

No. 10430

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United States  
Circuit Court of Appeals

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*2366*

For the Ninth Circuit. /

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WONG CHIN PUNG,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

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Transcript of Record

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Upon Appeal from the District Court of the United States  
for the District of Oregon

FILED

AUG 12 1943

PAUL R. O'NEILL

CLERK



No. 10430

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United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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WONG CHIN PUNG,

Appellant,

*S. F. L. L.*  
*19 Books*  
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Upon Appeal from the District Court of the United States  
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF THE  
ATTORNEYS OF RECORD:

JOHN P. HANNON,

1110 Yeon Building, Portland, Oregon, and

LEON W. BEHRMAN,

604 Oregonian Building, Portland, Oregon,  
For Appellant.

CARL C. DONAUGH,

United States Attorney for the District of Ore-  
gon, and

WILLIAM H. HEDLUND,

Assistant United States Attorney for the Dis-  
trict of Oregon, United States Court House,  
Portland, Oregon,  
For Appellee.

In the District Court of the United States for the  
District of Oregon

November Term, 1942.

Be It Remembered, That on the 27th day of February, 1943, there was duly filed in the District Court of the United States for the District of Oregon, an Indictment in words and figures as follows, to wit:

[1\*]

In the District Court of the United States  
for the District of Oregon

16273

UNITED STATES OF AMERICA

vs.

WONG SUEY, NEE TOY, WONG CHIN PUNG,  
JAMES WONG, and LOUIS JUNG, alias GAR  
FOO,

Defendants.

United States of America,  
District of Oregon—ss.

INDICTMENT FOR VIOLATION OF SECTION  
2553, TITLE 26, AND SECTION 174, TITLE  
21, U.S.C.A.

The Grand Jurors of the United States of America, for the District of Oregon, duly impaneled, sworn and charged to inquire within and for said District, upon their oaths and affirmations, do find, charge, allege and present:

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\*Page numbering appearing at foot of page of original certified Transcript of Record.

## Count One:

That Wong Suey, Nee Toy, Wong Chin Pung, James Wong, and Louie Jung, alias Gar Foo, then and there being and acting together, on to-wit: the 12th day of January, 1943, at Portland, in the State and District of Oregon, and within the jurisdiction of this Court, then and there being, did unlawfully, knowingly, wilfully and feloniously purchase, sell and distribute a quantity of a certain compound, manufacture, salt, derivative and preparation of opium, to-wit: a quantity of smoking opium, which said smoking opium aforesaid was not then and there in the original stamped package, nor from the original stamped package, containing said smoking opium, and did not then and there bear and have affixed thereto appropriate tax paid stamps as required by the Act of Congress approved December 17, 1914, as amended, commonly known as the Harrison Narcotic Law; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

And the Grand Jurors aforesaid, upon their oaths and affirmations aforesaid, do further find, charge, allege and present: [2]

## Count Two:

That Wong Suey, Nee Toy, Wong Chin Pung, James Wong, and Louis Jung, alias Gar Foo, the defendants above-named, then and there being and acting together, on to-wit: the 12th day of January, 1943, at Portland, in the State and District

of Oregon, and within the jurisdiction of this Court, did unlawfully, feloniously, knowingly and fraudulently receive, transport, conceal and sell, and assist in receiving, concealing, transporting and selling a quantity of narcotic drug, to-wit: smoking opium, which had theretofore been unlawfully and feloniously brought into the United States, said defendants then and there well knowing the said narcotic drug so received, concealed, transported and sold by them to have been unlawfully and feloniously imported and brought into the United States contrary to law; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

Dated at Portland, Oregon, this 27th day of February, 1943.

A True Bill

A. C. McMICKEN,  
Foreman, United States  
Grand Jury.

CARL C. DONAUGH,  
United States Attorney.

WILLIAM H. HEDLUND,  
Assistant United States Attorney.

[Endorsed]: Filed: February 27, 1943. [3]

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And Afterwards, to wit, on Tuesday, the 30th day of March, 1943, the same being the 26th Judicial

day of the Regular March, 1943, Term of said Court; present the Honorable Claude McColloch, United States District Judge, presiding, the following proceedings were had in said cause, to wit:

[4]

PLEA OF NOT GUILTY

No. C-16273

[Title of Cause.]

INDICTMENT:

Section 2253, Title 26 and Section 174,  
Title 21, United States Code.

Now at this day come the plaintiff by Mr. William H. Hedlund, Assistant United States Attorney, the defendants Wong Suey, James Wong and Wong Chin Pung, each in his own proper person and by Mr. John P. Hannon, of counsel, and the defendants Nee Toy and Louis Jung alias Gar Foo, by Mr. John Collier, of counsel. Whereupon said defendants are duly arraigned upon the indictment herein and each of the defendants for himself says that he is not guilty. Whereupon, the parties hereto stipulate and agree in open court that this cause may be tried before the Court without the intervention of a jury, and

It Is Ordered that this cause be, and the same is hereby, set for trial for Friday, April 16, 1943, and that the bond heretofore given by each of said defendants, be continued to the further order of the Court. [5]

And Afterwards, to wit, on the 16th day of April, 1943, there was duly Filed in said Court, a Stipulation waiving trial by jury, in words and figures as follows, to wit: [6]

[Title of District Court and Cause.]

**STIPULATION WAIVING TRIAL BY JURY**

It Is Hereby Stipulated between the parties that the within cause may be tried before the Honorable Claude McColloch, United States District Judge, without the intervention of a jury, and the defendants hereby expressly waive the right to a jury trial.

**WILLIAM H. HEDLUND,**  
Of Attorneys for United  
States of America.

**JOHN A. COLLIER.**

Attorney for Defendants, Nee  
Toy and Louis Jung, alias  
Gar Foo.

**J. P. HANNON,**  
Attorney for Defendants,  
Wong Suey, Wong Chin  
Pung, and James Wong.

**WONG CHIN PUNG,**

**WONG SUEY,**

**JIMMY WONG,**

**NEE TOY,**

**LOUIE GAR FOO,**

Defendants.

[Endorsed]: Filed April 16, 1943. [7]

And Afterwards, to wit, on the 26th day of April, 1943, there was duly Filed in said Court, Findings by the Court, in words and figures as follows, to wit: [8]

[Title of Court and Cause.]

### FINDINGS OF THE COURT

On this 26th day of April, 1943, the above-entitled cause came on for findings and judgment as to the defendants, Wong Suey, Nee Toy, Wong Chin Pung, and James Wong, the Court having tried this cause without the intervention of a jury, a jury having been waived by stipulation of the parties hereto, the United States of America having appeared by William H. Hedlund, Assistant United States Attorney for the District of Oregon, the defendants, Wong Suey, Wong Chin Pung, and James Wong, having appeared in person and by John P. Hannon, their attorney, and the defendant, Nee Toy, having appeared in person and by his attorney, John Collier, and the Court having heretofore heard all of the issues of law and fact herein and having fully considered all said issues of law and fact, the Court does now find the defendant, Wong Suey,

Not Guilty as charged in Count One of the Indictment herein; and

Guilty of assisting in concealment as charged in Count Two of the Indictment herein; and the defendant, Nee Toy,

Guilty of purchase as charged in Count One of the Indictment herein, and

Guilty of assisting in concealment as charged in Count Two of the Indictment herein; and the defendant, Wong Chin Pung,

Not guilty as charged in Count One of the Indictment here, and

Guilty of assisting in concealment as charged in Count Two of the Indictment herein; and the defendant, James Wong, [9]

Not Guilty as charged in Count One of the Indictment herein; and Guilty of assisting in concealment as charged in Count Two of the Indictment herein.

Dated at Portland, Oregon, this 26th day of April, 1943.

CLAUDE McCOLLOCH,  
District Judge.

[Endorsed]: Filed April 26, 1943. [10]

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And Afterwards, to wit, on Tuesday, the 4th day of May, 1943, the same being the 56th Judicial day of the Regular March, 1943, Term of said Court; present the Honorable Claude McCulloch, United States District Judge, presiding, the following proceedings were had in said cause, to wit: [11]



In the District Court of the United States  
for the District of Oregon

No. C-16273

May 4, 1943.

UNITED STATES OF AMERICA

vs.

WONG SUEY, NEE TOY, WONG CHIN PUNG,  
JAMES WONG, and LOUIS JUNG alias  
GAR FOO.

INDICTMENT:

Section 2553, Title 26, and Section 174,  
Title 21, United States Code.

SENTENCE OF THE COURT

Now at this day comes the plaintiff by Mr. William H. Hedlund, Assistant United States Attorney, and the defendant Wong Chin Pung in his own proper person and by Mr. John P. Hannon, of counsel. Whereupon, it appearing to the Court that the said defendant has been heretofore found guilty on Count Two of the indictment by a finding of the Court, and this being the day set for the passing of sentence upon said defendant,

It Is Adjudged by the Court that the said defendant Wong Chin Pung, is guilty of the offense of unlawfully, feloniously, knowingly and fraudu-

lently assisting in the concealment of a quantity of smoking opium which had heretofore been unlawfully brought into the United States, as charged in Count Two of the indictment herein; and said defendant waiving time for passing sentence is asked if he has anything to say why sentence should not now be pronounced against him, and no sufficient cause being shown,

It Is Further Adjudged that the said defendant Wong Chin Pung do pay a fine of One Thousand Dollars and be imprisoned for a term of Three Years and from and after the expiration of said term until said fine be paid, for the offense charged in Count Two of the indictment; that said defendant be committed to the custody of the Attorney General of the United States or his authorized representative, who will designate the place of confinement of said defendant, and that said defendant stand committed until this sentence be performed or until he be otherwise discharged according to law.

Dated at Portland, Oregon, this 4th day of May, 1943.

CLAUDE McCOLLOCH,  
Judge.

[Endorsed]: Filed: May 14, 1943. [12]

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And Afterwards, to wit, on the 8th day of May, 1943, there was duly Filed in said Court, a Notice of Appeal, in words and figures as follows, to wit:

[13]

[Title of District Court and Cause.]

### NOTICE OF APPEAL

The name and address of appellant is Wong Chin Pung, Portland, Oregon.

The name and address of appellant's Attorney is John P. Hannon, 1110 Yeon Building, Portland, Oregon.

The offense of which defendant was convicted is that on or about the 12th day of January, 1943, at Portland, in the State and District of Oregon, and within the jurisdiction of this Court, did unlawfully, feloniously, knowingly and fraudulently receive, transport, conceal and sell, and assist in receiving, concealing, transporting and selling a quantity of narcotic drug, to-wit: smoking opium, which had theretofore been unlawfully and feloniously brought into the United States, said defendant then and there well knowing the said narcotic drug so received, concealed, transported and sold by him to have been unlawfully and feloniously imported and brought into the United States contrary to law; contrary to the form of the Statute in such case made and provided and against the peace and dignity of the United States of America.

The date of judgment of conviction is May 4, 1943.

A brief description of the judgment or sentence imposed on defendant, Wong Chin Pung, from which he appeals, is to the effect that defendant

be imprisoned for three years in place as the Attorney-General may designate, and pay a fine of \$1000.00 and stand committed until such fine is paid.

The name of the prison where defendant is now confined is Multnomah County jail, Portland, Multnomah County, Oregon. The place of imprisonment under said sentence having not been designated by the Attorney-General. [14]

I, the above named appellant, hereby appeal to the United States Circuit Court of Appeals for the 9th Circuit, from the judgment above mentioned, on the grounds set forth below.

Dated this 4th day of May, 1943.

WONG CHIN PUNG,  
Appellant.

The grounds of this appeal are:

First: That the Court erred in finding and holding that the defendant was guilty of the crime charged in said indictment for the reason that there were no facts or evidence to support or justify the judgment or sentence of the Court.

Second: That the Court erred in imposing against the defendant the sentence herein described, or any sentence.

Third: That the Court erred in not returning a judgment of acquittal in favor of said defendant.

Due service accepted this 8th day of May, 1943.

WILLIAM H. HEDLUND,  
Ass't. United States District  
Attorney.

[Endorsed]: Filed: May 8, 1943. [15]

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And Afterwards, to wit, on Thursday, the 3rd day of June, 1943, the same being the 82nd Judicial day of the Regular March, 1943, Term of said Court; present the Honorable, United States District Judge, presiding, the following proceedings were had in said cause, to wit: [16]

[Title of District Court and Cause.]

ORDER EXTENDING TIME IN WHICH TO  
SETTLE AND FILE BILL OF EXCEPTIONS  
AND ASSIGNMENT OF ERRORS

This matter coming on for hearing on Motion of the defendant and appellant, Wong Chin Pung, by and through his Attorney, John P. Hannon, for an Order extending said defendant and appellant's time in which to settle and file Bill of Exceptions and Assignment of Errors in the above entitled cause, to and including the 21st day of June, 1943, and it appearing to the Court that it is in the interest of justice that said extension be allowed:

It Is Therefore, Ordered, that said defendant and appellant, Wong Chin Pung, have to and including the 21st day of June, 1943, in which to settle

and file in the above entitled cause, his Bill of Exceptions and Assignment of Errors therein.

Dated this 3rd day of June, 1943.

CLAUDE McCOLLOCH,  
Judge.

[Endorsed]: Filed: June 3, 1943. [17]

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CERTIFICATE OF CLERK

United States of America,  
District of Oregon—ss.

I, G. H. Marsh, Clerk of the United States District Court for the District of Oregon, do hereby certify that the foregoing pages from 1 to 21 inclusive, contain a transcript of the matters of record in said court pertinent to the appeal from a judgment and sentence in a certain criminal cause then pending in said court numbered C-16273, in which the United States of America is plaintiff and appellee, and Wong Suey, Nee Toy, Wong Chin Pung, James Wong and Louis Jung, alias Gar Foo are defendants, and the said Wong Chin Pung is appellant, as designated by the stipulation for transcript in said cause by said appellant; that I have compared the foregoing transcript with the original record thereof and that it is a full, true and correct transcript of the record and proceedings had in said court in said cause as designated by the said stipulation, as the same appears of record at my office and in my custody.

I further certify that the cost of the foregoing transcript is \$5.00 for filing Notice of Appeal, and \$6.50 for preparing and certifying the within transcript, making a total of \$11.50 and that the same has been paid by the said appellant.

I further certify that there is transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, with the foregoing transcript, the original bill of exceptions and the original assignment of errors filed in said cause by said appellant.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said court at Portland, in said District, this 14th day of June, 1943.

[Seal]                      G. H. MARSH,  
   Clerk.

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[Title of District Court and Cause.]

### ASSIGNMENT OF ERRORS

Comes now the defendant and appellant, Wong Chin Pung, and files the following Assignment of Errors upon which he is relying on appeal to the United States Circuit Court of Appeals for the Ninth District:

#### I.

That the Court erred in finding and holding that the defendant, Wong Chin Pung, was guilty under count two of the indictment, for the reason that there were no facts or evidence to support or justify the judgment.

## II.

That the Court erred in imposing against the defendant, Wong Chin Pung, any sentence.

## III.

That the Court erred in not returning a judgment of acquittal in favor of the defendant, Wong Chin Pung.

LEON W. BEHRMAN

JOHN P. HANNON

Attorneys for Appellant,  
Wong Chin Pung.

Due service accepted this 10th day of June, 1943.

WILLIAM H. HEDLUND

Attorney for United States of  
America

[Endorsed]: Filed June 11, 1943.

---

[Title of District Court and Cause.]

BILL OF EXCEPTIONS

Be It Remembered that the above entitled case came on regularly for trial on Friday, April 16th, 1943, in the above entitled Court at Portland, Oregon, before the Honorable Claude McColloch, Judge presiding, a Jury having been waived in writing as by law provided. The United States of America appeared by Messrs. Carl C. Donough, United States Attorney, and William H. Hedlund,



Assistant United States Attorney. Defendant appeared in person and by his attorney, John P. Hannon. The Court at the conclusion of the case took it under advisement as to the appealing defendant, Wong Chin Pung.

The appealing defendant respectfully submits the following Bill of Exceptions:

Exception No. I

At the conclusion of the evidence the appealing defendant moved the Court for a judgment of dismissal on the grounds that the Government had failed and neglected to submit evidence sustaining the charges and counts made in the indictment. Thereafter, on the 4th day of May, 1943, the Court found this appealing defendant guilty on Count two of assisting in concealment of smoking opium, to which finding the defendant excepted.

In connection herewith there is hereto attached a full transcript of the testimony introduced in this cause, certified by Cloyd D. Rauch, Reporter, and made a part of this Bill of Exceptions.

JOHN P HANNON

LEON W. BEHRMAN

Attorneys for Appellant,  
Wong Chin Pung.

State of Oregon

County of Multnomah—ss.

It is hereby certified that on the 3rd day of June, 1943, the Honorable Claude McColloch, Judge of the above entitled Court, for good cause shown entered an Order allowing defendant, Wong Chin

Pung, to have to and including the 21st day of June, 1943, for settlement and filing of Bill of Exceptions and Assignment of Errors, in respect to the within appeal.

It further appearing that there is attached hereto a full transcript of the testimony offered in the above entitled case and made a part of this Bill of Exceptions.

It is further certified that the foregoing Exceptions asked and taken by the defendant, Wong Chin Pung, were duly presented within the time fixed by law and the Order of this Court, and the Bill of Exceptions is by me duly allowed and signed this 11th day of June, 1943.

CLAUDE McCOLLOCH

Judge of the District Court of the United States,  
for the District of Oregon.

State of Oregon

County of Multnomah—ss.

Due service of the within Bill of Exceptions is hereby accepted in Multnomah County, Oregon, this 11th day of June, 1943, by receiving a copy thereof, duly certified to as such by Leon W. Behrman and John P. Hannon, Attorneys for defendant and appellant, Wong Chin Pung.

WILLIAM H. HEDLUND

Asst. Attorney for United  
States of America.

[Title of District Court and Cause.]

Portland, Oregon, Friday, April 16, 1943.

10:30 A.M.

Before: Hon. Claude McColloch, Judge, without  
a jury.

Appearances:

Messrs. William B. Hedlund and William  
Langley, Assistant United States Attorneys,  
appearing for the United States of Amer-  
ica; Mr. John A. Collier, Attorney for  
defendants Nee Toy and Louis Jung alias  
Gar Foo; Mr. John P. Hannon, Attorney  
for defendants Wong Suey, Wong Chin  
Pung and James Wong.

Cloyd D. Rauch, Court Reporter.

### PROCEEDINGS

(Various objects and documents were marked  
for identification as Government's Exhibits 1  
to 7, both inclusive.) [1\*]

The Court: All right, go on.

Mr. Hedlund: Your Honor, we were trying to  
mark the exhibits, but I think we can do that as we  
go along.

First of all, I think we had better have the  
defendants up here to sign the stipulation.

Mr. Collier: Yes.

Mr. Hedlund: Your Honor, may I have Mr.  
Bangs sit beside me to assist me to keep track of  
these exhibits?

---

\* Page numbering appearing at top of page of original Reporter's  
Transcript.

The Court: Yes.

Mr. Hedlund: In the meantime, your Honor, we find a clerical error on one of the indictments that was returned yesterday.

The Court: Wait until they sign that.

Mr. Hedlund: It has nothing to do with this particular case.

The Court: I know, but one thing at a time.

Mr. Hedlund: We now present the stipulation waiving the jury .

Call Mr. Ringstrom.

The Court: Are you ready?

Mr. Hannon: Ready, your Honor.

The Court: Mr. Collier?

Mr. Collier: Ready, your Honor.

The Court: Wasn't there another lawyer for the defense in this case?

Mr. Hannon: No, your Honor.

The Court: This is not the case that Behrman is in?

Mr. Hannon: No; that is the Lee case. [2]

The Court: Will you identify the defendants to me, and have them sit in the same places during the trial, please.

Mr. Collier: This is Louis Gar Foo, and this is Nee Toy.

The Court: Yes.

Mr. Hannon: Jimmie Wong.

The Court: Yes.

Mr. Hannon: And Wong Chin Pung.

The Court: What is the last name?

Mr. Hannon: Pung. And this is Wong Suey.

The Court: Whom do you represent?

Mr. Collier: I represent these two, Louis Gar Foo and——

The Court: (Interrupting) And you represent the other three?

Mr. Hannon: The other three, your Honor.

Mr. Hedlund: Gar Foo is sometimes referred to as Louis Jung. [3]

---

### HUGO RINGSTROM

was thereupon produced as a witness in behalf of the United States of America and, having first been duly sworn, was examined and testified as follows:

#### Direct Examination

By Mr. Hedlund:

Q. Now, Mr. Ringstrom, by whom are you employed?

A. Alcohol Tax Unit, U. S. Treasury Department.

Q. In what capacity?           A. As chemist.

Q. And how long have you been so employed?

A. Since the unit was formed, but in similar work for twenty years.

Q. Prior to that time where were you educated?

Mr. Hannon: We admit his qualifications, your Honor.

Mr. Hedlund: Thank you. Will you admit his qualifications as to his knowledge of smoking opium?

Mr. Hannon: Yes.

Mr. Hedlund: Very well.

(Testimony of Hugo Ringstrom.)

Q. Now, Mr. Ringstrom, in the cases of Wong Suey, Nee Toy, Wong Chin Pung, James Wong, and Louis Jung, do you have some exhibits which purport to be connected with that case?

A. Yes, sir.

Q. Now, first of all, do you have two white porcelain jars? A. Yes.

Q. And seven packages containing forty-eight bindles of smoking [4] opium. Is that one exhibit? How is that arranged? I have my notation as Exhibit 2. Tell us as you go along what you find, Mr. Ringstrom.

A. This is an ointment jar containing smoking opium.

Q. Do you know how much is in it?

A. One of them contained approximately one hundred ninety-five grains and the second one approximately one hundred eighty-five grains.

Q. You have two of those jars there?

A. Yes, sir.

Q. All right. Now, what else have you got in those exhibits? We will get them marked for identification as soon as we get it straightened out here.

A. There are about forty-eight bindles of smoking opium.

Q. Well, how is that wrapped?

A. In Chinese lottery tickets.

Q. Mr. Hedlund: Well, now, let's see,—let's have that exhibit marked for identification, please, including the jars.

(Testimony of Hugo Ringstrom.)

(The objects referred to, so produced, were thereupon marked for identification as Government's Exhibit 8.)

Mr. Hannon: Mr. Bailiff, will you hand that over here for examination. Hand it to the witness, please.

Q. Now, Mr. Ringstrom, will you examine the contents and describe what is in there? I think you will find, if I might help you [5] so as to keep the record straight, two jars, and then also eight packages containing numerous bindles. Now, will you explain to the Court what they are?

A. These two ointment jars contained smoking opium.

Q. All right. Describe that to the Court. What is that package?

A. It is a package containing bindles of smoking opium.

Q. How many bindles? A. Ten.

Q. One package containing ten bindles. All right, go on. What is the next package there that you find? Well, now, Mr. Ringstrom, to save time, you have examined all those packages, have you not?

A. Yes, sir.

Q. And what do they contain?

A. Smoking opium.

Q. And how many packages are there?

A. Well, I don't remember. I will have to count them.

(Testimony of Hugo Ringstrom.)

Q. Well, just count the packages. Not the number of bindles in each package.

A. There are eight.

Q. Eight packages, each containing smoking opium? A. Yes, sir.

Q. You have tested them, have you?

A. Yes, sir.

Q. And that is what your conclusion was? [6]

A. Yes, sir.

Mr. Hedlund: Now, you have another exhibit. I think it might be notes as number 3. You had better put those jars back into that, so as to keep them straight, then the bailiff can take that over to the Clerk's desk or some place else. Now, will you please have that marked for identification.

(The object referred to, so produced, was thereupon marked for identification as Government's Exhibit 9.)

Mr. Hedlund: Hand that to the witness, please.

Q. Tell us what is in that exhibit?

A. It is bindles containing yenshee.

Q. How much?

A. I have the weight of the individual packages, but I haven't added it up.

Q. Well, didn't you add it up previously, once upon a time, so many grains of yenshee?

A. Only per exhibit, or per package. I haven't added them up.

Q. Well, approximately how many are there there?



(Testimony of Hugo Ringstrom.)

A. About one hundred and twenty-three grains.

Q. Very well. Now, will you tell what yenshee is?

A. It is the residue from smoking opium.

Q. And do you know whether that is ever re-used?

A. Yes, sir, I do.

Q. And is it or is it not re-used? [7]

A. Yes, it is re-worked.

Q. And it still has the effect of opiate left in it?

A. It still has some opium in it that can be recovered.

Q. Now, will you take the exhibit that you have as 3, marked as 3—or 4, I beg your pardon.

(An object was thereupon produced and marked for identification as Government's Exhibit 10.)

Mr. Hedlund: Hand that to the witness, please. And, Mr. Bailiff, would you take that Exhibit 9 and put it over on the Clerk's desk, so that it is out of the way.

Q. Will you describe what that Government's Exhibit 10 contains?

A. There are eight packages here wrapped in Chinese lottery tickets which each contain ten bindles of smoking opium.

Q. Can you estimate approximately how many grains that would be?

A. Yes, sir.

Q. How many?

A. There's approximately six hundred grains.

Q. Now, Mr. Ringstrom, where did you get these exhibits? Where did you receive these exhibits?

(Testimony of Hugo Ringstrom.)

A. In room 210 Federal Office Building, Seattle, Washington.

Q. From whom?

A. From Narcotic Agent Donald Smith.

Q. When? A. On January 18th, 1943. [8]

Q. Have they been in your possession continuously and exclusively ever since? A. Yes, sir.

Q. And are they in the same, or substantially the same, condition as they were at the time that you received them?

A. They are, with the exception of a very small quantity that had been taken out of the——

Q. (Interrupting) For the purpose of making chemical tests? A. Yes, sir.

Q. And you determined that all of these exhibits contained smoking opium or yenshee?

A. Yes, sir.

Mr. Hedlund: You may cross-examine.

Mr. Hannon: No cross-examination.

Mr. Hedlund: That is all, Mr. Ringstrom. You may step down.

(Witness excused.)

Mr. Hedlund: Call Mr. Giordano.

(Henry L. Giordano was thereupon produced as a witness in behalf of the United States of America and was duly sworn.)

Mr. Hedlund: Pardon me, your Honor, I wanted to be sure that I had not missed any exhibits. Would you permit me to recall the witness.

(The witness Henry L. Giordano was then excused [9] from the witness stand.)

(Testimony of Hugo Ringstrom.)

Mr. Hedlund: Mr. Ringstrom, will you resume the stand, please.

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HUGO RINGSTROM

thereupon resumed the stand as a witness in behalf of the United States of America and was examined and testified further as follows:

Direct Examination (Resumed)

Mr. Hedlund: Q. Mr. Ringstrom, do you have another exhibit that pertains to this case, or allegedly pertains to this case? A. Yes, sir.

Mr. Hedlund: Will you hand it to the reporter to be marked for identification.

(The object referred to, so produced, was thereupon marked for identification as Government's Exhibit 11.)

Mr. Hedlund: Hand it to the witness, please.

Q. Will you tell us what that is?

A. It is eight bindles of smoking opium.

Q. Now, did you receive that under the same conditions as you did the other three exhibits to which you testified?

A. Yes, sir. I wish to make a correction. It is nine bindles, instead of eight bindles.

Q. Nine bindles of smoking opium?

A. Yes.

Q. And can you testify substantially to that, as far as possession and the way you got it and when you got it and from whom you got it, as you did on the other three exhibits? A. Yes, sir.

(Testimony of Hugo Ringstrom.)

Q. And is it in the same, or substantially the same, condition as it was when you first received it?

A. It is.

Mr. Hedlund: You may cross-examine.

Mr. Hannon: None.

Mr. Hedlund: That is all, thank you, Mr. Ringstrom. Step down.

(Witness excused.)

Mr. Hedlund: Mr. Giordano.

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### HENRY L. GIORDANO

was thereupon produced as a witness in behalf of the United States of America and, having previously been duly sworn, was examined and testified as follows: [11]

#### Direct Examination

By Mr. Hedlund:

Q. Your name, please?

A. Henry L. Giordano.

Q. And by whom are you employed?

A. Bureau of Narcotics.

Q. And how long have you been so employed?

A. A little over two years.

Q. And where were you educated?

A. University of California.

Q. Did you take a degree there?

A. Yes, sir.

Q. And what was the degree?

(Testimony of Henry L. Giordano.)

A. Degree of Pharmacy.

Q. And about how old are you?

A. Twenty-eight.

Q. And after you finished school what line of work did you follow?

A. Worked as a pharmacist.

Q. Where?

A. At San Francisco, California.

Q. For how long?

A. For approximately seven years.

Q. Up until the time you started working for the Government?

A. Yes, sir. [12]

Q. As a Narcotic Agent? A. Yes, sir.

Q. Now, Mr. Giordano, are you acquainted with the defendants Wong Suey, Nee Toy, Wong Chin Pung, James Wong, and Louis Jung alias Gar Foo?

A. Yes, sir.

Q. Now, in connection with your acquaintance with them, do you recall on the evening of January 12th, 1943 your activities?

A. Yes, sir.

Q. Will you narrate to the Court just what you did, what you saw, and conversations that were had in the presence of the defendants, starting about the time of about eight o'clock in the evening.

A. About eight o'clock in the evening of January 12th, in company with Agent Doolittle, I arrested Harry Lee, and following his arrest, why, he took us up to 318 Southwest 2nd, and——

Q. (Interrupting) About what time was that?

A. That was about around nine or nine-thirty—and showed us the location of a certain doorway up

(Testimony of Henry L. Giordano.)

there, and we returned to the Customs Building, and about around midnight of January 12th, in company with Agents Doolittle, Smith and Richmond I followed Harry Lee into 318 Southwest Second—

Q. (Interrupting) Now, just one moment. Prior to your doing that did you make any arrangement with Harry Lee?

A. Yes, sir, prior to that Harry Lee had been searched and [13] furnished fifty dollars marked money for the purpose of making a purchase out of room 10 at 318 Southwest Second. The—

Q. (Interrupting) Now, right now let's get the numbers on that marked money. Can you give it to us. Well, we will wait and do that later. Go ahead and tell us what else, if you will.

A. The arrangements made with Harry Lee were that we would go about midnight because at that time the bosses of the opium establishment there would change shift, and so I followed Harry Lee up the stairs to the third floor.

Q. Now, who was with you besides Harry Lee?

A. Agents Doolittle, Richmond and Smith.

Q. Now, were there other agents around there that you know of of your own knowledge?

A. Agent or District Supervisor Bangs was in the vicinity.

Q. And any others?

A. There were some Customs Agents also with Mr. Bangs.

(Testimony of Henry L. Giordano.)

Q. Names?

A. Customs Agents Lindy and Turner.

Q. All right, now, go ahead. You went up to the third floor, I believe you said.

A. Yes, sir.

Q. At 318 Southwest Second.

A. Yes, sir.

Q. And in what city was that?

A. In Portland, Oregon. [14]

Q. State of Oregon? A. Yes, sir.

Q. All right, proceed.

A. I followed Harry Lee to the third floor and I observed him place a coin at the right side of the door of room 10, and following that he entered the door of room 10. There was a light burning over the stairway, which was right next to the room 10 doorway, and I turned that light out and then I took a position opposite the doorway of room 10.

Q. Now, was this just prior to the time that Harry Lee entered?

A. That was following the entrance of Harry Lee.

Q. Did you observe anything at the time he went in?

A. Yes, there was a very strong odor of smoking opium in the hallway.

Q. All right, continue, please.

A. After turning the light out I took that position opposite the door of room 10, and a few minutes later the door opened and James Wong—

(Testimony of Henry L. Giordano.)

Q. (Interrupting) You didn't know his name at that time?

A. I didn't know his name at that time, no, but a Chinese later identified as James Wong came out the door. As the door was opened I could see into the room. There were two doors, and both of them were momentarily opened and I could see a—there was a person lying on a flat table in the room with smoking equipment alongside of him,—that is, the pipe and the [15] lamp.

Q. You couldn't identify who that was?

A. No, sir.

Q. Go ahead.

A. At the same time a strong odor of smoking opium came out of the doorway, and as James Wong came out I took him by the arm and led him over to the stairway, where Agent Doolittle was waiting, and turned him over to Agent Doolittle, who led him down the stairs. I again returned to my position opposite the door, and a few minutes more elapsed and the door again opened to room 10 and I could again see in the room and saw the same person—that is, saw the form of a person lying on the bunk with the smoking equipment, and the smoking opium odor was very strong again as the door opened, and this time Harry Lee came out of the door and I took hold of him and he advised me that he had got the stuff, and I was just about to go over to the stairway with him when the door started opening again, so I stayed right in the position I was and the door opened



(Testimony of Henry L. Giordano.)

again and this time a Chinese that was later identified as Wong Suey came out of the door. I took him by the arm and led him over to the stairway where Agent Doolittle was standing and turned him over to Agent Doolittle, who led him down the stairs. I then took——

Q. (Interrupting) Where was Lee during that period?

A. Lee was right alongside of me during that.

Q. All right.

A. I then took Harry Lee back to the door from the stairway [16] where I had turned Wong Suey over to Agent Doolittle and I stood him right directly in front of the door of room 10. I took a coin that I placed at the contact on the right side of the door, two nails.

Q. In other words, contact between two nails that were set parallel with each other?

A. Yes, sir.

Q. Or alongside of each other, that made a contact?

A. Yes, sir.

Q. Go ahead.

A. I could hear a sound in the room as I touched that contact and the first door opened and Harry Lee stepped in and I stepped in behind him and crouched down behind him between the first and second doors. There was some Chinese conversation between Harry Lee and somebody on the other side of the door, that is, the second door, and in just a short period of time the second door was opened.

(Testimony of Henry L. Giordano.)

Q. Now, just one moment. That second door, can you describe it? A. Yes, sir.

Q. Did it have a window in it?

A. It had a round hole in the door about an inch in diameter, or maybe a little bit larger than that.

Mr. Hedlund: I would like to have the door over there marked.

(The door referred to was thereupon marked for [17] identification as Government's Exhibit 12.)

Mr. Hedlund: May I ask that the witness be permitted to step down and go over and examine Government's Exhibit 12.

The Court: Well, does he need to go? Can you identify the door?

Mr. Hedlund: I would like to have him point out the peek-hole, or whatever it is.

The Court: There it is.

Mr. Hedlund: Q. Now, is that Government's Exhibit 12 the door that you have reference to?

A. Yes, sir.

Q. That is the second door, or inner door?

A. The inner door.

Mr. Hedlund: We introduce that in evidence.

Mr. Hannon: No objection.

The Court: Received.

(The door referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 12.)

(Testimony of Henry L. Giordano.)

Mr. Hedlund: Q. Now, go ahead. You were down behind Mr. Lee, as I understand?

A. That is correct.

Q. Now go ahead and tell what happened.

A. The second door opened and Harry Lee stepped into the room [18] and I stepped in right behind him. As I entered the room I observed three Chinese in the room.

Q. Now, who did they later——

A. (Interrupting) They were later identified as Nee Toy, Louis Jung alias Gar Foo, and Wong——

The Court: (Interrupting) Now, you keep saying they were later identified. All these Chinamen are sitting in front of you, down there behind their attorneys. When you use these names do you mean the defendant Chinamen that are here in court now?

A. Yes, sir, your Honor.

The Court: You meant that awhile ago about Wong and Wong Suey? A. Yes, sir.

Mr. Hedlund: Well, at that time you didn't know who they were? A. No, sir.

Q. That is the reason you say they were later identified? A. Yes, sir.

The Court: What I want to know is, does he know now that they were the defendants?

A. Yes, your Honor.

Mr. Hedlund: Q. Very well, continue.

A. And also Wong Chin Pung alias Wong Ben, who is present.

(Testimony of Henry L. Giordano.)

The Court: What were their names? [19]

A. Nee Toy, Louis Jung alias Gar Foo.

The Court: All right.

A. And Wong Chin Pung alias Wong Ben.

The Court: All right.

Mr. Hedlund: Now, what were their positions there in the room when you first walked in?

A. As I walked in Louis Jung was just stepping out from behind a desk that was on the left far side of the room in the corner.

Q. All right; and where were the other two?

A. Nee Toy was standing by one of the bunks or tables that was situated on the left side of the room against the wall, and Wong Chin Pung was standing near the door.

Q. Near the door that you just entered?

A. Yes, sir.

Q. Now, what did you do then?

A. I immediately took them into custody and told them to line up on the far side of the room, as there was a red-hot stove going and I wanted to get them out of the way of destroying any evidence.

Q. Did they comply right away?

A. Yes, sir.

Q. All right.

A. First, Louis Jung attempted to turn back and behind the desk and I stopped him right away and then told them to get on the other side of the room. The first door had closed behind me as I came [20] in, so I had to pull a cord that was situated as you—as you left the door it was on

(Testimony of Henry L. Giordano.)

the left side of the door; it was a cord like a pulley, and I pulled that cord and I allowed—it opened the door and Agents Doolittle and Richmond entered the opium den.

Q. Richmond is now in the Navy?

A. Yes, sir.

Q. All right, go ahead.

A. Also, when I entered the room there were three tables that contained—each table had a complete smoking equipment outfit, that is, a tray, a lamp, and pipe bowl and yen hocks and yen gows, and all the equipment used for smoking opium, and the lamps in each of these three—or each of these three lamps were burning.

Q. Very well. Now, what did you do after that, after Doolittle and Richmond came in?

A. I then walked over to the desk behind which Louis Jung was standing when I entered the room and pulled the drawer out that was in the desk, and in that drawer I found two jars of smoking opium, seven packages of smoking opium containing forty-eight bindles, a total of forty-eight. There were also fourteen loose bindles packed in the drawer; and there was approximately ninety dollars in money in the drawer.

Q. Now, just one moment. Will you hand the witness Exhibit 8 for identification. [21]

The Court: Were there people smoking in there?

A. Not when I entered, your Honor.

Mr. Hedlund: Well, while we are about that, I will ask you, did you examine these pipes?

(Testimony of Henry L. Giordano.)

A. Yes, sir.

Q. What can you say as to whether they were hot or cold?

A. I couldn't say as to that, sir. I didn't examine them for a little while, until a little while after, but there was yen shee residue in all the pipes.

Q. But you did not examine them as to whether they were hot or cold?           A. No, sir.

The Court: Did I understand that when you first had a look through there from the outside there were people that were smoking lying in the bunks?           A. Yes, your Honor.

Mr. Hedlund: Q. Now, you have been handed Exhibit 8 for identification and I ask you to examine it and tell us if you know what it is?

A. It is the smoking opium that was found in the drawer that was in the desk.

Q. Well, now, was that all that you found in the desk?           A. No, sir.

Mr. Hedlund: All right, we will introduce that in evidence. We offer that in evidence. [22]

Mr. Hannon: No objection as far as I am concerned.

The Court: Admitted.

(The objects referred to, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 8.)

Mr. Hedlund: Q. Mr. Bailiff, will you please hand the witness Exhibit 9 for identification, and

(Testimony of Henry L. Giordano.)

we ask that you examine that and tell us if you know what it is?

A. This is nine packages of yen shee that we also found in the cash drawer?

Q. In the desk?

A. The drawer that was in the desk.

Mr. Hedlund: We offer it in evidence.

Mr. Hannon: No objection.

The Court: Admitted.

(The objects referred to, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 9.)

Mr. Hedlund: Hand the witness Exhibit 10 for identification.

Q. I ask that you examine it and tell us if you know what it is. Go ahead and answer the question.

A. It is eight packages of—that is eight separate packages, each containing ten bindles of smoking opium. [23]

Q. And have you ever seen that before?

A. Yes, sir.

Q. Where?

A. It was in the wood pile that was in room 10.

Q. In the wood pile, concealed in the wood pile?

A. Yes.

Mr. Hedlund: We offer that in evidence.

Mr. Collier: No objection.

Mr. Hannon: No objection.

The Court: Admitted.

(Testimony of Henry L. Giordano.)

(The objects referred to, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 10.)

Mr. Hedlund: Q. Now, I think you examined the drawer? A. Yes, sir.

Mr. Hedlund: Now, I wonder if we can have this drawer marked for identification with its contents. Just leave them all together.

(The drawer, containing various objects, was thereupon marked for identification as Government's Exhibit 13.)

Mr. Hedlund: Will you show that to the witness, please. Now, is that the drawer that you have reference to in your testimony?

A. Yes, sir. [24]

Q. I don't suppose that things are well sorted out there. Can you tell us some of the things that you found in the drawer at that time?

A. Yes; I also found a box like a cigar box that had a—that contained a padlock, and found several round claws that were used in smoking, it was used to hold the pipe bowl on the stem; and there was also some bindle papers, plain bindle papers,—

Q. (Interrupting) Are they in there?

A. Yes,—the same color as what the other bindles were wrapped in that contained opium. And there was also an envelope in there that contained approx-



(Testimony of Henry L. Giordano.)

imately nine sheets of paper with Chinese characters written on them.

Q. Is that in there right now?           A. Yes.

Mr. Hedlund: I would like to have that marked for identification, separately.

(The envelope referred to was thereupon marked for identification as Government's Exhibit 14.)

Mr. Hedlund: Q. All right, go ahead. What else did you find?

A. There were some lottery tickets, plain lottery tickets, in here, and a couple of empty jars and a couple of pipe bowls.

Q. Are those pipe bowls in there?

A. Yes. Here is one.

Q. There are some things in there that were not in that drawer [25] at that time?

A. That is correct.

Q. Can you take them out, please. Just put them aside over there for the moment. Just put them aside, Mr. Bailiff, those things that he takes out. Was the cigar box in there?

A. That was inside, yes.

Q. What was in the cigar box?

A. The padlock.

Q. Hand the witness Government's Exhibit 2. Is that the lock to which you refer to?

A. Yes, sir.

Q. All right, go ahead. What else did you find?

(Testimony of Henry L. Giordano.)

A. There was a Chinese scale, and the sum of money, approximately ninety dollars.

Q. Now, do you have that money there?

A. Yes.

Q. Will you hand that to the reporter for the purpose of marking for identification. Is that in just one package?      A. Two.

Mr. Hedlund: Separate packages. Have them marked separately.

(The two envelopes and contents were thereupon marked for identification as Government's Exhibits 15 and 16.)

Q. Now, have you that drawer in approximately the same shape that you found it, with the exception of the withdrawal of the [26] cigar box and the account book and the two exhibits containing money?      A. And the smoking opium.

Q. And the smoking opium.

A. And the yen shee.

Q. All those things were removed?

A. Yes, sir.

Q. And, other than that, that drawer is approximately in the same shape?

A. Approximately, yes.

Mr. Hedlund: We will offer that in evidence.

Mr. Hannon: No objection.

The Court: Admitted.

Mr. Collier: I don't know, your Honor, whether we need separate objections made in this case or not. There is no evidence adduced thus far, at

(Testimony of Henry L. Giordano.)

least nothing here, that is connected in any way at least with the defendant Nee Toy, and I want to preserve the record on that. None of these exhibits introduced thus far that have been in any manner, shape or form connected up with Nee Toy.

The Court: He testified that Nee Toy was in the room.

Mr. Collier: Yes, but none of these exhibits were connected up with him.

The Court: Admitted.

(The drawer referred to, so offered and received, [27] having previously been marked for identification, was thereupon marked received as Government's Exhibit 13.)

Mr. Hedlund: Now we offer Exhibit 2.

The Court: Exhibit 2 has been offered.

Mr. Collier: Same objection as to Nee Toy.

The Court: Admitted provisionally.

(The object referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 2.)

Mr. Hedlund: And Exhibits 15 and 16 are offered in evidence.

The Court: Fifteen and 16 have been offered.

Mr. Hannon: I have no objection.

Mr. Hedlund: That is the money, two packages containing money.

Mr. Collier: Well, I make the same objection as to Nee Toy.

(Testimony of Henry L. Giordano.)

(The two envelopes containing money, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 15 and 16.)

Mr. Hedlund: We offer Exhibit 14 in evidence.

The Court: Fourteen has been offered. Fourteen has been offered.

Mr. Collier: Same objection. [28]

The Court: Admitted provisionally.

(The envelope referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 14.)

Mr. Hedlund: Q. Have I missed anything that you found in that drawer, now, Mr. Giordano?

A. No, the only other thing was this pad of paper that was the same as some of the paper in that envelope.

Q. Exhibit 14?

A. Yes,—that had the notation in Chinese characters, and the money bag, empty.

Q. What did the cigar box contain?

A. That just contained the lock.

Q. The padlock?

A. The lock, and also a small key in it.

Q. There was no key in the lock that you found?

A. No, sir.

Q. Now, chronologically, go ahead. What occurred next?

(Testimony of Henry L. Giordano.)

A. Let's see,—after I took the drawer out I set it on top of the table and just left it there, and then Agent Smith went out to call up District Supervisor Bangs, who was waiting outside, and when he returned, why, we questioned the defendants, the people that were in there, as to their names, and each one gave us their name. [29]

Q. Now, what name did each of them give you? First,—well,—point them out as you go.

A. The first man on the right here gave the name of Louis Jung.

The Court: To your right?

A. To my right, yes, sir.

Mr. Hedlund? Q. Did you ever know him by any other name? A. Yes, Gar Foo.

Q. Have you ever known his Chinese name?

A. I believe it is Louis Gar Foo.

Q. Louis Gar Foo. All right, go ahead.

A. And the man next to him gave his name as Nee Toy; and the third man—

Q. (Interrupting) Did you ever know him by any other name?

A. Nee Toy or Toy Nee, sometimes with—

Q. (Interrupting) What is his Chinese name, if you know?

A. I believe it is Nee Toy.

Q. Sometimes written Toy Nee? A. Yes.

Q. Go ahead.

A. The next man gave his name as Jimmie Wong, or James Wong.

Q. Is that what he first told you?

(Testimony of Henry L. Giordano.)

A. Well, the first time I talked to him he gave that as his name. Of course, he had been talking to some of the other men previously.

Q. Do you know his Chinese name? [30]

A. No, I don't.

Q. That is the only name you ever knew him by?

A. Yes, sir.

Q. Go ahead.

A. The next man gave his name as Suey Wong or Wong Suey.

Q. Do you know his Chinese name?

A. No, only as Wong Suey.

Q. All right, go ahead.

A. And the next man gave his name as Wong Ben.

Q. As Wong Ben? A. That is correct.

Q. And then you subsequently found out——

A. (Interrupting) Wong Chin Pung.

Q. Do you know his Chinese name?

A. I believe it is Wong Chin Pung.

Q. That is his Chinese name, as far as you know? A. Yes.

Q. Proceed with the chronological order of what you did.

A. There were several coats on the wall in back of the desk where this drawer was taken from, and there was a jacket on the wall which Louis Jung claimed was his jacket.

Q. Hand the witness Exhibit 3. Can you tell us what that is, Mr. Giordano?

(Testimony of Henry L. Giordano.)

A. Yes, this is the jacket that was hanging on wall that Louis Jung claimed was his. [31]

Q. Now, where was that with reference to this table? A. Right behind this table.

The Court: What table?

Mr. Hedlund: Q. What table?

A. The table that this drawer was found in,—and was on the left far side of the room.

The Court: I thought the drawer was in a desk.

A. Well, desk, your Honor.

Mr. Hedlund: Q. Desk, instead of table?

A. Yes.

Q. How was that table arranged with reference to the wall?

The Court: Desk or table? Call it one or the other.

Mr. Hedlund: The desk, I beg your Honor's pardon. How was it arranged with reference to the wall?

A. There was a space behind the desk about—just enough for a man to sit behind there, and it was parallel to the back wall and up against the side wall.

Q. And there were hooks above it?

A. Right behind where the man was sitting.

The Court: How big a room was this, about?

A. Oh, about nine by twenty, nine feet by twenty.

Mr. Hedlund: Q. Well, tell us a little more about the description of that room. How many chairs or tables were there?

A. There were three tables that were—

(Testimony of Henry L. Giordano.)

The Court: (Interrupting) Go ahead. [32]

A. There were three tables, one directly as you came in the room, right against the wall, about three feet high, and it had a mat on it, and there was also the smoking opium equipment, the lamp and the pipe, on that table; and there was an identical table on the left side of the room as you came in that also contained the smoking opium equipment; and on the right side of the room, against the wall, there was a third table that contained the lamps and pipes, and so forth.

The Court: Then there were bunks between the tables and the wall?

A. The bunks were the tables; your Honor. They were a low table. And there was a wood pile on the right far side of the room.

Mr. Hedlund: Q. Just one moment. Let's get some pictures in here. Will you have that marked for identification, please.

(An envelope containing a number of pictures was thereupon marked for identification as Government's Exhibit 17.)

Mr. Hedlund: Now, your Honor, in connection with this particular exhibit that I may offer, I don't want it thought by any means that this picture was taken at the time that these men were lying there, but simply to show the Court how the bunks appeared. In other words, these men——

The Court: (Interrupting) When were they taken?



(Testimony of Henry L. Giordano.)

Mr. Hedlund: They were taken the following morning.

The Court: Were the conditions the same as they were the [33] night before?

Mr. Hedlund: Exactly, your Honor, with the exception that we requested the defendants—evidently several of the defendants were requested to lie down to show the position that they took in these various bunks.

The Court: Give him the whole bunch of pictures, in the interest of speed here.

Mr. Hedlund: Let's mark them all at once.

The Court: Well, hand them over to the lawyers first and let them examine them.

Mr. Hedlund: Can these be clipped together, along with that one exhibit?

The Court: They will all be put in a separate envelope and, Captain Rauch, mark them later. Now, I will ask you, you know these pictures, do you?      A. Yes, sir.

The Court: They were in the same condition that they were that night?

A. That is correct, your Honor.

The Court: We understand about that.

Mr. Hedlund: With the one exception that there were no persons on the bunks that night. We will offer that in evidence.

The Court: Admitted.

(The envelope containing said pictures, so offered and received, having previously been

(Testimony of Henry L. Giordano.)

marked [34] for identification, was thereupon marked received as Government's Exhibit 17.)

A. There was a coat hanging on the wall, and which Wong Chin Pung was allowed to put on. It matched his pants that he had on at that time.

Mr. Hedlund: Q. And that coat was where?

A. Hanging on the wall behind the desk.

Q. Alongside of this one?

A. Yes, sir. There were several keys on Louis Jung's person that Agent Richmond tried one of the keys and found that it fitted the lock that was found in this drawer.

Q. And that was found on whose person?

A. On Louis Jung's person.

Q. And is that one that is now in the hands of the witness?

A. These are the keys that were found by Agent Richmond on Louis Jung's person in my presence.

Q. And that is attached now to Exhibit 2, that you found in the drawer?

A. Yes, and it works this lock.

Mr. Hedlund: We offer that in evidence.

The Court: Admitted.

(The key referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 1.) [35]

Mr. Hedlund: We offer the jacket.

The Court: Admitted. Do you mean the coat?

Mr. Hedlund: This jacket, sports jacket.

(Testimony of Henry L. Giordano.)

The Court: I don't care whether it is a jacket or a coat. Are there two pieces of clothing? You talked about a coat that one claimed. Just now you talked about a coat that another one claimed.

Mr. Hedlund: This is the coat. We don't have the jacket.

The Court: Move along. Exhibit 3 received.

(The coat referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 3.)

The Court: This was all in Portland, Oregon?

A. Yes, your Honor.

Mr. Hedlund: Hand the witness Exhibits 4, 5, 6 and 7.

The Court: What are you going to do about this money? Are you going to connect up the money?

Mr. Hedlund: Yes, your Honor.

The Court: Do it now.

Mr. Hedlund: Q. Which of those exhibits contains marked money? The first one—they are marked 15 and 16. Well, hand them both.

A. I didn't examine those.

The Court: How close was this to the Police Station? [36]

A. About—less than half a block, your Honor.

The Court: Which direction?

A. South.

The Court: Across the street?

(Testimony of Henry L. Giordano.)

A. South and across the street.

The Court: Upstairs?

A. Yes.

The Court: Second floor?

A. Third floor.

The Court: What was on the first floor and the second floor?

A. The first floor was the ground floor. The second floor was the——

The Court (Interrupting): What was on the first floor?

A. They had a store downstairs.

The Court: Whose store?

A. I don't know, your Honor. I can't recall at this time.

The Court: What was on the second floor?

A. They had a clubroom and various living quarters.

The Court: Whose clubroom?

A. Musicians, Chinese musicians.

The Court: Who owned the building?

A. The building was owned by John Middleton.

The Court: John who?

A. Middleton,—and leased by Frank Sue.

The Court: Go ahead about the marked money.

[37]

Mr. Hedlund: Q. Now, examine those two exhibits, 15 and 16.

A. Well, they are sealed.

(Testimony of Henry L. Giordano.)

Q. Well, unseal them; examine the contents of them. Which exhibit is that, please, Witness?

A. Exhibit 16 is the marked money.

Q. Now, you have examined the contents?

A. Yes, sir.

Q. When was that envelope sealed, if you know?

A. That was sealed on January 13th, approximately about six——

Q. (Interrupting): In the morning?

A. In the afternoon, six p.m.

Q. In the evening? A. Yes.

Q. And do you know who did it?

A. Yes, I was present and Agent Doolittle sealed it.

Q. Look at the money a minute and note particularly the serial numbers on the bills. Had you ever seen that money prior to the time that you went into this opium den?

The Court: Don't call it a den. Just call it——

Mr. Hedlund (Interrupting): Room 10.

The Court: I see all the pictures are marked "den". It is like calling the defendants thieves.

A. I can't say, because we have a list made up of the numbers of the marked money.

Mr. Hedlund: Q. You don't recall the numbers offhand? [38]

A. I don't recall the numbers offhand.

Mr. Hedlund: Very well.

The Court: Where was this money found?

A. In the cash drawer, your Honor.

The Court: In the cash drawer?

(Testimony of Henry L. Giordano.)

A. Yes, in this drawer.

The Court: Is that the ninety dollars?

A. This is the fifty, that is, the marked, and the balance, \$39.50, was found with it.

The Court: Well, the Government's theory is that these three bills, a twenty, twenty, and a ten, were given to Harry Lee?

Mr. Hedlund: Yes, your Honor.

The Court: That is the way you expect to connect it up?

Mr. Hedlund: Yes, your Honor.

The Court: And they were found in the drawer of this desk?

A. Yes, your Honor.

Mr. Hedlund: Q. Now, the other money you had never seen before to your knowledge?

A. Until it was found in the drawer.

Q. Now, you were handed Exhibits 4, 5, 6 and 7. Have you examined those? A. Yes, sir.

Q. Do you know what they are?

A. I know what they are, yes, sir. [39]

Q. Have you ever seen them before?

A. Yes, but I was not present when they were found.

Q. Well, did you see them up there in that room that night? A. No.

Mr. Hedlund: Very well.

The Court: I don't see that we need to identify everything you found in that room.

Mr. Hedlund: Your Honor, I was mistaken.

(Testimony of Henry L. Giordano.)

Those four exhibits were found in another place. I will have to connect that up. I am sorry.

Q. Now, you made the examination and you found this opium in the woodpile, is that right?

A. I didn't find it, no, but I——

Q. (Interrupting): You were present when it was found?

A. No, but it was pointed out to me later by one of the other men present.

Q. Who was that?

A. I believe it was Mr. Bangs.

Q. Now, at any time that you saw any of the exhibits which you have stated were opium did you ever see any tax stamps on them or any containers from which they came?

A. No, sir, no tax stamps or any containers.

The Court: Did you see anybody, up until this time in your narrative, other than these five defendants and the two men—I believe you said it was two—that you saw through the door [40] that were lying on a table who weren't there when you went in?

A. One was on a table.

The Court: One—who weren't there when you went in?

A. Well, I couldn't say that, but I couldn't identify it with any one of the parties that was inside.

The Court: It might have been one of the five defendants?

A. Yes, sir.

(Testimony of Henry L. Giordano.)

The Court: But you couldn't see anyone up to this time in your narrative except the five defendants, except the possibility of this other one that was lying on the table; isn't that right?

Mr. Hedlund: Q. Didn't you see some older man come down the hall that was living there in the place?

A. No, sir.

Q. You didn't see that? A. No, sir.

Q. Of course, you saw nobody coming up from downstairs? A. No.

The Court: Well, so far as you know, there were just these five defendants in the room?

A. Yes, sir.

The Court: With the exception of possibly this one man that you saw lying on the table?

A. Yes, sir.

Q. Was there a possibility of getting out through some other door? [41]

A. There was a trap door that was closed, but he couldn't have gotten out because it went down to another room, 2, and there were other agents covering that.

The Court: Then that eliminates the possibility that you saw six men?

A. Yes, sir, your Honor.

The Court: Was that one that you saw on the table smoking?

A. Yes, sir.

The Court: Did any of these defendants show



(Testimony of Henry L. Giordano.)

signs of being under the influence?—Is that the way you speak of it in the trade?

A. The only way you could tell would be the odor of the opium on their breath, and it was so strong in the room that you couldn't tell by that.

The Court: Were there any other doors to this room 10?

A. No, your Honor. It was completely paneled with plywood all the way around, and the window was boarded up with plywood.

The Court: Was there any top door up, or was that the top story?

A. That was the top story, your Honor.

The Court: How was the room lighted?

A. I believe there was two globes.

Mr. Hedlund: Q. Now, did you have Harry Lee in the room there all the time?

A. All the time, yes. [42]

Q. Did you examine his pockets, or was that done while you were watching?

A. It was done, yes. I wasn't present.

Q. You were not present? A. No.

Q. Where had you gone?

A. At that time there were several other investigations that were going on and we had planned the arrests for the evening, or that morning.

Q. So you made no further examination of Harry Lee after that? A. No, sir.

The Court: Was this the night of the 12th or the morning of the 13th?

(Testimony of Henry L. Giordano.)

A. It was the night of the 12th and morning of the 13th.

Mr. Hedlund: Q. Of January, 1943?

A. Of January, 1943.

The Court: The night of the 12th and 13th.

A. The night of the 12th and then the morning of the 13th.

The Court: When you spoke of sealing that money awhile ago it was the next evening, about six o'clock?

A. It was on the 14th, your Honor.

The Court: The 14th?

A. Yes.

Mr. Hedlund: Q. Do you know who took Harry Lee away?

A. No, I don't [43]

Q. He was still in the room when you left?

A. That is correct.

Q. Very well. You made no examination of any of the defendants, other than what you have testified to, there? A. That is all.

Mr. Hedlund: That is all; you may cross-examine.

The Court: In this case you may both examine, if you wish.

Mr. Hannon: Thank you, your Honor.

#### Cross-Examination

By Mr. Hannon:

Q. What is your name, again?

A. Henry L. Giordano.

(Testimony of Henry L. Giordano.)

Q. Sometimes known here around in the underworld as Harry, or Dick—or Henry?

A. Henry.

Q. How long have you been in Portland now, Mr. Giordano?

A. Oh, approximately eight months, eight or nine months.

Q. You are working out of your head office at Seattle? A. Yes, sir.

Q. How long have you been acquainted with Harry Lee?

A. Been acquainted with Harry Lee since about the middle of October, 1942.

Q. 1942. When would you say that would be? In June, 1942? October, you said. [44]

The Court: Let me get Harry Lee in mind. Is he one of the defendants yet to be tried?

Mr. Hedlund: Yes, your Honor.

The Court: Represented by whom?

The Clerk: Everett Adcock.

Mr. Hedlund: Adcock, yes, your Honor.

The Court: He is the defendant that is living in Tacoma now?

Mr. Hedlund: Yes, your Honor.

Mr. Hannon: Q. When did you say you first met Harry Lee?

A. I said about the middle of October, 1942.

Q. What was the occasion of your first meeting with Mr. Lee?

A. I was present when he sold opium to an informer.

(Testimony of Henry L. Giordano.)

The Court: Read that answer, Captain.

(The answer referred to was thereupon read.)

Mr. Hannon: Q. That is, the middle part of October, 1942?

A. Yes.

Q. Here in this city?

A. Portland, Oregon.

Q. Had you arranged with Harry for the sale or for the purchase of that opium?

A. No, sir.

Q. Were you introduced by the informer then to Harry Lee? A. That is correct.

Q. What were the circumstances under which you were introduced? [45] Who were you supposed to be?

A. At that time the party said that I was all right and told Harry Lee that I was O.K. and that I was all right to sell smoking opium, or sell me stuff, he said.

Q. Sell you stuff?

A. And then an arrangement was made whereby I would purchase—forget whether it was—just how long afterwards; a few days, or, I think, a week afterwards—that I would purchase the opium from Harry Lee.

Q. Who was the informer that introduced you to Harry Lee? A. The informer?

Q. Yes. A. Harry Clements.

Q. He is the same one that introduced you to Mrs. Redner, too, in that Redner case?

(Testimony of Henry L. Giordano.)

A. Yes, sir.

Q. Then when do you say you next had business transactions with Harry?

A. I had several transactions—let's see, I had about two transactions, two or three, in October, and about three in January.

Q. These were contacts that you made direct with Harry yourself, Harry Lee?

A. Yes, sir.

Q. And, now, you said you arrested him on the 12th of January? [46]

A. That is right.

Q. What was the occasion for you arresting him?

A. On the occasion of the arrest I purchased smoking opium from him and immediately following his sale he was arrested.

Q. And then this is the same Harry Lee that took you down to 318 Southwest 3rd Street?

A. Yes.

The Court: Second.

Mr. Hannon: Q. Second.

A. Second.

The Court: Where did you make the purchase from Harry Lee?

A. Fourth and Everett.

The Court: On the street?

A. Yes, sir.

Mr. Hannon: Now, what deal or understanding did you have with Harry Lee that evening that

(Testimony of Henry L. Giordano.)

he took you down there? What was the understanding that you were to do for him?

A. Well, when Harry Lee was arrested the transaction was made on the corner of 4th and Everett, and I waited in the car for him there and he would walk along the street and when he would see me there he would come over to the car and ask me how many I wanted and then go back and then come back with the opium, and then immediately following his arrest—that is, he got in the car and made the sale. and then Agent Doolittle came right behind him and he arrested him, and Agent Doolittle just [47] stopped him and said, “You are under arrest, Harry, Federal officers”, and he started hollering, “You don’t want me, you don’t want me,” he said, “You want the big bosses down town,” he says, “in the hop joint.” He says, “They are the ones. You don’t want me,” he says, “I will take you down there.” And so then he was taken over to the Customs Building and we talked to him, asked him what he meant by “the big bosses”, and he told us that we didn’t want him, he was just a small fry, that we wanted to get the bosses in the hop joint. He named Wong Suey and Louis Jung, the big bosses.

Q. Now,—

Mr. Hedlund (Interrupting): That is responsive.

The Court: Wait a minute. Do you want him to stop?

(Testimony of Henry L. Giordano.)

Mr. Hannon: Yes, your Honor. He is making a speech. He isn't answering.

Q. What did you say? What inducement or enticement or promise did you make to get him to take you down to this 318?

A. None whatsoever.

Q. Nothing, except that because of that pinch there by you and Doolittle he just volunteered all this?      A. That is correct.

Q. You are sure that you or one of the other agents didn't suggest to him that you didn't really want him, but if he would help take you down to the so-called supplies, there were supplies that you were after, that you would give him consideration?

[48]

A. No, sir.

Q. Didn't you in substance make that suggestion to him?

A. No, sir, because, as I testified, the defendant—or, rather, Harry Lee is the party that told us about it, what was going on.

Q. But you asked Harry where he was getting his stuff from, didn't you?

A. Didn't have a chance to. He told us.

Q. Had you ever in your sales before asked him where he got the stuff from?      A. No.

Q. You are supposed to be interested in the supply, aren't you?      A. That is correct.

Q. And in all these purchases you never once asked him where the stuff came from?

A. Didn't have to.

(Testimony of Henry L. Giordano.)

Q. But you never did, did you?

A. Well, he had been followed to the source.

Q. But you never asked him about it, did you?

A. No, sir, I didn't.

Q. And when that arrest was made he just volunteered this story you have given us, without any coaxing or without any promise or without any inducement from you or these other agents?

A. That is right.

Q. Just spontaneous? [49]

A. That is right.

The Court: Combustion, spontaneous combustion.

Mr. Hannon: Yes, that is right, your Honor.

The Court: Must have been scared, don't you think?

Mr. Hannon: Must have been more than scared. This was about nine o'clock at night when you accompanied Harry Lee down to 318?

A. Yes, around nine.

Q. Who else was along with the party?

A. Agent Doolittle and Agent Richmond, I believe.

Q. Well, you were all three of you walking right along together?

A. No; we went over there and Harry Lee pointed out the entrance to 318, and then Harry Lee and I went into 318 and he led me up to—showed me where the door was.

Q. And when you came out, you left 318, that was along about nine o'clock at night?



(Testimony of Henry L. Giordano.)

A. Just about.

Q. You took Harry Lee up to the Customs Office? A. That is right.

Q. And did he stay with you there, then, up until the time that you made the final raid?

A. He was there. I wasn't present all the time, but he was there under guard.

Q. He was there under guard all that time?

[50]

A. Yes.

Q. Did you make any promises about how you would help him out if he succeeded in making this arrest there? A. No, sir.

Q. Were there any other agents made that suggestion him? A. Not in my presence.

Q. Was there any talk about the supply where this stuff was coming from?

A. Yes, Harry Lee was telling us where he was getting it.

Q. Now, you were there, other agents were there. What other agents were there with Harry Lee in that time from nine o'clock up to twelve o'clock, let us say.

A. Well, there was Agent Doolittle, Agent Richmond, Agent Smith, District Supervisor Bangs, Customs Agents Linde and Turner, and I believe there was a Customs Guard around; I don't know his name.

Q. Now, didn't anybody do any talking there except Harry Lee? Didn't any of you agents do any talking at all?

(Testimony of Henry L. Giordano.)

A. Well, yes, we questioned him about the interior, how it was situated, and how many doors were there and what it was like inside, to get the general picture of what was up there on the third floor.

Q. Did any of you express any appreciation of the assistance that Harry Lee was about to give you? Did you tell him you appreciated what he was doing for you? [51]

A. I just don't quite get your question there.

Mr. Hannon: Read the question, Mr. Reporter.

(The question was thereupon read.)

A. No, I didn't. I don't know if any of the other agents did.

Q. Did you hear any of the other agents do it? A. No, sir.

Q. Then you just let Lee do all the talking there, without any coaxing or any prompting, or anything of that kind, is that right?

A. That is correct. Except asking him questions in regard to the general scheme of things on the third floor.

Q. Did Lee ask you or suggest to you or any other agent there that for what he was about to do for you there he expected some consideration?

A. Why, the statement, he says, "You don't want me"; that is about the only remark he made in that sense.

Q. Now, when he did make that statement, "You don't want me", didn't one of you respond, "No,

(Testimony of Henry L. Giordano.)

Harry, we don't want you. We want the source''?

A. No, sir.

Q. Did you tell him you did want him?

A. I don't think we had to tell him. We had him.

Q. But did you tell him that? A. No, sir.

Q. Now, is Harry Lee out on bail? [52]

A. I believe so. I don't know.

Q. Do you know what his bail is?

A. No, sir.

Q. Now, did you talk to Harry after the arrest on the 12th of January?

A. On the 12th?

Q. The arrest was on the 12th.

A. That is correct.

Q. Did you talk to him after that?

A. Yes, sir.

Q. He has been constantly in your company and association, has he? A. No, sir.

Q. Do you see him quite often?

A. No, sir.

Q. Now, around about twelve o'clock, as you went down the street to make this raid, Doolittle, yourself, and who else was along? What other officers? A. Richmond and Smith.

Q. Richmond and Smith; and you walked ahead with Lee on the street as you were going down?

A. Well, no, Harry Lee walked first and I walked a couple of steps behind him, and then the other agents followed behind us.

(Testimony of Henry L. Giordano.)

Q. And what conversation, if any, did you have with Harry as you were going down the street? [53]

A. I don't recall. I don't recall just what the conversation was.

Q. Now, you have arrived at Second.

A. Uh-huh.

Q. Who preceded up the stairs, you or Harry?

A. Harry.

Q. You followed him? A. Uh-huh.

Q. Where were the other officers?

A. They were right behind Harry Lee and myself.

Q. Now, had Harry Lee entered the room after Jimmy Wong came out?

A. Previous to anybody leaving he entered.

Q. Harry was in there first? A. Uh-huh.

Q. And as Harry opened the door you were able to see into the room, were you?

A. Not when he went in, no, sir.

Q. How far were you standing away from the door? A. Pardon?

Q. How far were you away from the door?

A. When he entered the room?

Q. Yes.

A. I was standing right by the stairway, right next to the door. [54]

Q. Well, that doesn't give me an answer. I don't know how the stairway is located with reference to the door. Would you say it is ten or fifteen feet?

A. No, just a matter of a couple of feet.

(Testimony of Henry L. Giordano.)

Q. A couple of feet? A. Yes.

Q. You were standing that close to the door?

A. Yes.

Q. Were you in a position to see into the room?

A. No, sir, not at that time.

Q. And did you afterwards change your position?  
A. Yes, sir.

Q. Where did you go then?

A. Right opposite the door to room 10.

Q. And about how far were you from the door then?

A. A matter of about the width of the hall, so I would say it was about three or four feet—three feet, four feet.

Q. Were you standing in direct line with that door?  
A. Yes, sir.

Q. And when Jimmie Wong came out could you see?  
A. Yes, sir.

Q. The lights didn't have any tendency to blind you?  
A. No, sir.

Q. Approximately how long would you say it took the door to close? [55]

A. A couple of minutes, I guess.

Q. A couple of minutes. And when Jimmie Wong came out you were able to see in, and could you recognize anybody in the room?

A. No, I could not.

Q. You couldn't recognize anybody in the room?

A. No.

The Court: Was Lee in there then?

Mr. Hannon: Lee was in the room.

(Testimony of Henry L. Giordano.)

The Court: At that time?

Mr. Hannon: Yes.

The Court: And hadn't come out?

Mr. Hannon: And hadn't come out.

A. Yes.

Q. And the first one to come out after Lee went in that room was Jimmie Wong?

A. Yes, sir.

Q. Was Jimmie fully dressed?

A. Yes, sir.

Q. Did he have his overcoat on?

A. Yes, sir.

Q. And you picked Jimmie up, you arrested him, and put him down the stairs with another officer?

A. Yes, sir.

Q. Then when you looked in that room you couldn't see whether they were smoking opium or not, could you? [56]

A. Well, I could see all the smoking opium equipment in there and the pipe.

The Court: Didn't you say a while ago that you saw one man smoking, lying on the table?

A. That is correct.

Mr. Hannon: He said that, your Honor, but I am trying to show that that is not correct. Answer my question. Will you ask it, please.

(The last question propounded by counsel for the defendant was thereupon read.)

A. I could.

Q. You could?           A. Yes, sir.

Q. You could see him using the pipe?

(Testimony of Henry L. Giordano.)

A. I could see him using the pipe.

Q. Now, you testified in the preliminary hearing in this case, didn't you, before Commissioner Frazier, on the 30th day of January, 1943?

A. That is right.

Q. Now, at that time you didn't testify that you saw anybody smoking opium. You said you could see the equipment in there and that was all.

A. Well, I also could see the pipe being held to the lamp.

Q. Could you see the man with his lips on the pipe?      A. No.

Q. You couldn't see that? [57]

A. No, I could just see the pipe and then I could see the pipe coming from the form of the man towards the lamp.

Q. Then in reality all you did see was the equipment?      A. I didn't say that.

Q. I didn't ask you that. I asked you what you saw. You didn't see the man with his mouth on the pipe smoking it, did you?      A. No, sir.

Q. What you saw was really the equipment. When you went into the room, are there any living quarters there, any beds for people to sleep on?      A. I don't—no, no beds.

Q. Was there any kitchen or place for food to be served?      A. Place for food, yes.

Q. Did you notice any reading material there, such as Chinese newspapers?

A. I believe there were newspapers around. I didn't—

(Testimony of Henry L. Giordano.)

Q. (Interrupting) Seemed to be quite a few of them?

A. Didn't notice how many. It didn't seem important at that time.

Q. No, but in your observation you saw everything there,—you would see the newspapers if they were there, wouldn't you?

A. That is correct.

Q. And you did see them? A. Uh-huh.

[58]

Q. Now, you had been observing room 10 there for about how long—

The Court: (Interrupting) Pardon me. We are going to recess soon. I want to clear up one more thing. Did the second man come out while Lee was still in the room?

A. The second man was Lee, your Honor.

The Court: Jimmie Wong came first, while Lee was still in there? A. Yes.

The Court: Then Harry Lee came out?

A. No, Jimmie Wong came out, then Harry Lee was directly behind him.

The Court: That is right. I misread the notes.

Mr. Hannon: Would you read me that question.

(The last question propounded by counsel for the defendants was thereupon read, as follows:

“Now, you had been observing room 10 there for about how long——”)

Mr. Hannon: (Continuing) —before James Wong came out? That will complete the question.



(Testimony of Henry L. Giordano.)

A. Oh, I would say several minutes.

Q. Would you say five minutes? Three minutes?  
A. About five.

Q. About five minutes. A. And then——

Mr. Hedlund: (Interrupting) Go ahead. What was that? [59] A. That is all right.

Mr. Hannon: Q. And then Wong Suey came out—I mean Harry Lee came out, and Wong Suey followed Harry Lee? A. Yes, sir.

Q. Now, how was Wong Suey dressed?

A. Had on an overcoat and hat.

Q. He was fully dressed for the street?

A. Yes, sir.

Q. And you placed him under arrest?

A. Yes, sir.

Q. And did you then go into the room? Did you take Harry Lee and go back into the room?

A. Yes, sir.

Q. What was the reason Harry Lee came out, out to you again? What was the purpose of that?

A. He came out at that time to advise me that he had purchased opium from Louis Jung.

Q. Did he deliver the opium to you?

A. Not at that time, no, sir.

Q. Did he show it to you? A. No, sir.

Q. You don't know, then, that he had it, except just what he told you?

A. Yes, sir, at that time.

Q. That is all you know, just what he told you?

[60]

A. At that time, that is all I know.

The Court: Did he deliver it to you later?

(Testimony of Henry L. Giordano.)

A. It was found on his person by one of the other agents, your Honor, during the search.

Mr. Hannon: Q. Now, then, you accompanied Lee back into the room, did you? A. Yes, sir.

Q. How did you get in?

A. Through the door.

Q. Did Lee again put the coin in the——

A. I placed the coin at the door.

Q. You placed it? A. Yes.

Q. Were you out in front of Lee at that time?

A. No, sir.

Q. Oh, was Lee ahead of you?

A. Lee was right by the door, right in front of the door, and I was standing right next to him where the contact was.

Q. You had to be in front of the door in order to put in the coin to unlock the door?

A. Well, the coin was on the right side of the door, on the paneling, and I stood over there and put the coin, and Harry Lee was standing right in front of the door.

Q. And then did the door instantly open?

A. Just within less than a minute. [61]

Q. And when the door opened where were you situated? Where were you standing at the time that door opened?

A. I was standing right a little bit behind Harry Lee, and to his right.

Q. Why were you behind him?

A. Well, he was directly in front of the door.

Q. Well, what was your purpose in getting behind him? A. To gain entrance.

(Testimony of Henry L. Giordano.)

Q. Well, you had entrance the minute that door opened, didn't you?      A. Oh, no.

Q. What did you have to do after you got through that door?

A. Had to go through another door.

Q. Did that door require any unlocking?

A. All the doors required unlocking.

Q. The doors weren't open?      A. No, sir.

Q. How did you open the second door?

A. The second door was opened by somebody inside.

Q. Did Harry Lee call out, or anything of that kind? How did they know that Lee was there?

A. Well, somebody looked at him through the peek-hole, I believe. I don't know.

Q. And you were still standing behind Harry Lee?      A. Yes, sir. [62]

Q. And that door opened and you and Lee stepped in?      A. That is right.

Q. Then you arrested the occupants of the room?      A. Yes, sir.

Q. And in that room did you find—whom did you find?

A. In the room, Nee Toy, Louis Jung, and Wong Chin Pung.

Q. Now, Wong Chin Pung, how was he dressed?

A. He had on—well, pants and a sweater vest.

Q. And his hat on?      A. No, sir.

Q. And he was not exercising any jurisdiction over the room, was he?      A. No, sir.

Q. And you didn't make any examination of the

(Testimony of Henry L. Giordano.)

pipes to determine whether they were hot or cold?

A. Not at that time I didn't no, sir.

Q. You did make an examination later?

A. Yes, sir.

Q. And what did you find the condition?

A. At that time I found the condition—it was quite a while after, and all that was in was the residue of yenshee.

Q. You didn't find the pipes hot at all?

A. No, sir.

Mr. Hannon: That is all. Mr. Collier——

The Court: (Interrupting) We will take it up after lunch [63]

Mr. Collier: All right.

The Court: One-thirty, please.

Mr. Collier: At what time?

The Court: One-thirty.

Mr. Collier: All right.

The Court: Adjourn until one o'clock. One-thirty for you. I have another matter at one o'clock. One-thirty for you.

Mr. Collier: All right.

(Whereupon, at 11:58 o'clock A. M., April 16, 1943, the trial of the above entitled cause was suspended, the Court taking an adjournment until 1:00 o'clock P. M.)

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Afternoon Session

1:35 o'clock P. M.

HENRY L. GIORDANO

thereupon resumed the stand as a witness in be-

(Testimony of Henry L. Giordano.)

half of the United States of America and was examined and testified further as follows:

Cross-Examination (Resumed)

(Two objects were thereupon marked for identification as Government's Exhibits 18 and 19.)

Mr. Collier: Q. Mr. Giordano, at the time you went into this room at 218 were there any of the other special agents went in with you? [64]

A. At 318.

Q. I mean 318.

The Court: The room was 210.

A. Ten.

Mr. Collier: Room 10 at 318.

The Court: I thought I was in a hotel for a minute.

A. Not when I went in the first time, no, sir.

Mr. Collier: Q. Well, at the time you observed conditions there as you have outlined on the witness stand, were there any of your fellow officers with you at that time? A. Yes, sir.

Q. Who?

A. Agent Doolittle, Agents Richmond and Smith.

Q. Well, had you already taken the men out— Who made the arrest? Did you take them outside and turn them over to the other officers?

A. The men that were in the room?

Q. Yes. A. No, sir.

Q. They were kept in the room and the other

(Testimony of Henry L. Giordano.)

officers came in. Now, you saw Ming Toy here, didn't you?      A. Nee Toy?

Q. Nee Toy.      A. Yes, sir.

Q. Where was he when you went in the room?

A. He was standing by the bunk on the left-hand side of the [65] room.

Q. Wasn't he standing by a chair on the left-hand side of the room?      A. No, sir.

Q. Were there any chairs on the left-hand side of the room?

A. There was a stool behind the desk on the left-hand side of the room.

Q. Well, were there any chairs on the side of the room?      A. No, sir.

Q. Or stools or places to sit? What?

A. Just the stool that was behind the desk.

Q. And how was he dressed?

A. He had on a plaid jacket and slacks.

Q. Are you sure he had on slacks?

A. Well, I wouldn't say they were slacks. They were——

Q. (Interrupting) Just had on an ordinary pair of trousers, is that correct?

A. Trousers, that is correct.

Q. You didn't notice that he was exercising any supervision over the place at all?

A. No, sir.

Q. And he wasn't smoking?      A. No, sir.

Q. Did you later find out who he was and what he was doing?      A. Yes, sir. [66]

(Testimony of Henry L. Giordano.)

Q. You found out that he was a cook here, did you not?      A. Yes, sir.

Q. That he had cooked for the Good Samaritan Hospital for approximately ten years?

A. No, I didn't find that out.

Q. Well, you know he cooked for the Good Samaritan Hospital, don't you?      A. No, sir.

Q. Didn't you ask him about that?

A. He told us where he was working at the present time.

Q. Told you that he was working out here at the Canton, out on 82nd?      A. That is correct.

Q. And that cooking had been his occupation all his life, or since he had been in the United States? You found that out, didn't you?

A. No, the only question I asked him was where he was working at that time.

Q. Well, the main thing I am interested in, you didn't find out that he was connected with this place in any way, shape or form, either as manager or anything else, did you?      A. We did.

Q. What?

A. Well, he told us, I believe it was the following day, that he would go up there to smoke. [67]

Q. Told you that he had been up there to smoke once; that is what he told you, didn't he?

A. He made no distinction as to once or how many times. He just went up there to smoke.

Q. Well, assuming that he went up there to smoke, my question was that you found that he

(Testimony of Henry L. Giordano.)

was not either a manager or owner, or anything of that kind, of that place?

A. He made no admission as to that, no, sir.

Q. Well, and you didn't get it from any other source, did you?      A. No, sir.

Q. No. Well, why do you hesitate about that?

A. About what?

Q. Telling what this boy's business was.

A. I didn't hesitate as to what his business was.

Q. What time in the night were you up there, approximately?

A. In connection with going into the——

Q. (Interrupting) Well, what time did you go up,—we will find out that way—if you can't remember?

A. In connection with going into the room 10?

Q. Yes.

A. Is that the time you are referring to?

Q. Yes.

A. Is that the time you are referring to?

Q. Yes.

A. It was about midnight on January 12th.

Q. Now, you told the court awhile ago that you saw some of [68] these men smoking——

The Court: (Interrupting) One.

A. One man.

Mr. Collier: Q. Now, you testified on that same subject when you were before Judge Frazier, did you not?      A. Yes, sir.

Q. I will ask you if at that time and place in the presence of Judge Frazier and attorneys and



(Testimony of Henry L. Giordano.)

the respective parties, you were not asked this question and if you did not make the following answer:

“Q. Now, then, what did you observe in between the doors there?

“A. Well, the doors were momentarily opened. I observed a Chinaman lying on what appeared to be a table with a mat. I could observe a smoking room equipment, that is, pipe, lamp, and so forth. When the door opened there was fumes of smoking opium coming out.”

Then later on the same—Did you so answer?

A. Yes, sir.

Q. And later on the same, after a few questions had intervened, whether you were familiar with the smell of opium, then the question was:

“Very well, go ahead.

“A. Well, I just stayed right opposite there, and another minute or so elapsed and the door opened—opened again, [69] and this time Harry Lee came out, and I observed, I could see inside again and saw a Chinaman lying on the table and the opium equipment, why, I could smell opium, very strong, and Harry Lee came out and I started to lead him over to Doolittle”, and so forth.

Did you so testify there? A. Yes, sir.

Q. And at another place in the same testimony you were asked the question:

“James Wong, on the end.”

That is, he was pointing him out in the courtroom, as I remember.

(Testimony of Henry L. Giordano.)

“Now, in connection with the smoking apparatus, what did you find in the way of a set-up there?”

“Well, there were three complete opium-smoking sets; there were three bunks, three tables, with a mat upon them. On each table there were a smoking opium set, which consisted of a tray, lamp, pipe bowl, yenshee, yen gow”—whatever that is—“tweezers, and other equipment used for smoking.”

That is the testimony you gave before the Commissioner?      A. Yes, sir.

Q. Not a word stated at that time about seeing anybody smoking, was there?      A. No.

Q. You saw the equipment, but you didn't see anybody smoking?

A. Well, I explained how I saw the equipment.

[70]

Q. Now, just answer my question. The matter was as fresh in your mind at that time as it is now, wasn't it?      A. Yes, sir.

Q. And you were asked to describe conditions as you found them inside that room.

A. Yes, sir.

Mr. Collier: And that was your testimony. That is all.

#### Redirect Examination

By Mr. Hedlund:

Q. Well, now, you wanted to explain your answer. Go ahead.

The Court: It has been explained once. It doesn't need to be explained any more.

(Testimony of Henry L. Giordano.)

Mr. Hedlund: Very well. Now, I ask that this be marked for identification and handed to the witness.

The Court: As you go by show it to Mr. Collier and Mr. Hannon.

Mr. Hedlund: Have it marked for identification, Mr. Bailiff, please.

(The document referred to was thereupon marked for identification as Government's Exhibit 20.)

Mr. Hedlund: Q. Mr. Giordano, did you have occasion at a later time, after Nee Toy's arrest, to talk to him about the matter?

A. Yes, sir.

Q. Did you take a signed statement from him?

[71]

A. Yes.

Q. You have been handed Government's Exhibit 20. I will ask you if that is the signed statement that he gave you?

A. It is.

Mr. Hedlund: We offer it in evidence.

Mr. Collier: It would not be admissible at this time, if your Honor please. I—oh, I don't care anything about it.

The Court: It will be admitted.

(The statement referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 20.)

Mr. Hedlund: Q. Now, Mr. Giordano, let me get this in my mind. As I understand it, you say

(Testimony of Henry L. Giordano.)

that when you walked into the room you walked through the door.      A. Yes, sir.

Q. And then to the left, over that way, was the first bunk?      A. Yes, sir.

Q. And then over to the corner was this desk where Jung was?      A. Yes, sir.

Q. And when you first went into the room Nee Toy was standing by that first left-hand bunk?

A. Yes, sir.

Q. Could you see that from out in the hall?

A. No, sir. [72]

Q. The bunk you are referring to was to the left of the doorway, but straight across?

A. Yes, sir.

Mr. Hannon: Suppose you let the witness testify about it. You have been doing all the testifying.

The Court: I don't want to hear any more about the arrangement of the room. Do you have any more questions?

Mr. Hedlund: Yes, your Honor, several more. Furthermore, there was a matter on direct examination that I forgot this morning.

The Court: This is direct, now.

Mr. Hedlund: Q. Mr. Giordano, you testified about Exhibits 8 and 9, which are the jars of smoking opium and yenshee which you testified you found in the desk.      A. Yes, sir.

Q. What did you do with those subsequently?

A. Those were placed in the custody of Mr. Bangs when he arrived.

(Testimony of Henry L. Giordano.)

Q. And they were in your custody up to that time? A. Yes, sir.

Q. Now, you examined them this morning, did you not? A. Yes, sir.

Q. Are they in the same or substantially the same condition as they were when you turned them over to Mr. Bangs? A. They are. [73]

Q. Harry Lee—from the time that he was given this marked money until he entered room 10 was he ever out of your sight? A. No, sir.

Q. From the time that you went into room 10 until—let me change that a little bit. When did you turn Harry Lee over to somebody else' custody? A. When Mr. Bang's entered room 10.

Q. And you turned him over to Mr. Bangs?

A. Yes, sir.

Q. Was he ever out of your sight until that time after you were in the room?

A. Not after he was in the room, no, sir.

Q. Did he have an opportunity at any time or any place to turn it over to anybody else without you seeing it?

Mr. Hannon: Just a moment. Your Honor we object to that on the ground that it is a conclusion.

The Court: Correct.

Mr. Hedlund: Q. Well, did he transfer anything or pick up anything at any time during the time you were in there?

Mr. Hannon: Same objection, your Honor.

The Court: If he knows, just from what he saw.

Mr. Hedlund: Q. Did you see it?

(Testimony of Henry L. Giordano.)

A. No, sir.

The Court: He said he didn't see it.

Mr. Hedlund: Q. Was he in your sight all the time? [74]

A. Except when he went in the room and came out the first time, he was in my sight all the time.

Q. Did you question any of these defendants after their arrest? A. Yes, sir.

Q. Did any of them claim ownership of any of this stuff? A. No, sir.

Q. What did they say?

A. They all denied ownership and claimed they were just up there.

Q. Just up there.

A. They didn't give any good reason why they were. They didn't have any reason. They just said——

Mr. Hanlon: (Interrupting) That is not in response to the question, your Honor. It is an argument.

Mr. Hedlund: Q. Now, why wasn't Harry Lee searched at that time?

A. Harry Lee wasn't searched at that time because he wanted to protect his identity as an informer while he was in the presence of these defendants.

Q. You were never present when he was searched? A. No, sir.

Q. He was turned over to Mr. Bangs, I think you testified. A. Yes, sir.

Q. Now, were any other persons other than the

(Testimony of Henry L. Giordano.)

five defendants brought into the room, other than narcotic agents? [75]      A. Yes, sir.

Q. When?

A. When Wong Suey and Jimmie Wong were brought into the room, there were two other Chinese that were brought into the room at the same time.

Q. Who brought them in?

A. Agent Smith.

Q. You don't know anything about them, do you?      A. No, sir.

Q. How were those—well, I think you testified to that.

A. May I correct the last statement, when you asked me about—

Q. (Interrupting) Certainly.

A. I know their names. That is the only—those two that were brought in.

Q. What were their names?

A. One was Tang Yaw Yen and the other was Hong Fong Woo.

Mr. Hedlund: You may cross-examine.

### Recross-Examination

By Mr. Hannon:

Q. The reason you didn't search Harry Lee when he came out of the room was because you wanted to protect his identity as a stool-pigeon?

The Court: Informer, he said.

Mr. Hannon: "Informer" is a better word, yes, your Honor.      A. Yes, sir. [76]

(Testimony of Henry L. Giordano.)

Mr. Hannon: A dollar-and-a-half word.

The Court: Although the United States Supreme Court uses the word "stool-pigeon" all the time.

Mr. Hannon: Then I am in good company in using it. Is that correct?

A. Yes, sir.

Q. And the fact that you entered the room through Harry Lee and Harry Lee was really your means of getting into the room, the Chinamen saw you coming into the room with Harry Lee, you still think the Chinamen didn't know that Harry Lee was an informer?

A. Well, those were my instructions at the time, so I followed it through.

Q. You knew that when you went into that room with Harry Lee, when you had Harry Lee open the door for you, and when the Chinamen saw Harry Lee, and you followed him in and you made the arrest, you knew that Harry Lee's identity as an informer was disclosed, didn't you?

A. No, I didn't know that.

Q. What did you think the Chinamen would think if you would be standing in there with Harry Lee? That you had got lost in the building?

A. I didn't know what he was going to tell them how he got in there, or how he let me in, or why, so that was a precaution we took, whether it was necessary or unnecessary. [77]

Q. And that is the only reason or excuse you can



(Testimony of Henry L. Giordano.)

give for not searching Harry Lee when he came back out there and told you he had the stuff?

A. When he came back out there wasn't time to search him before we entered.

Q. That is the only reason you have to give why you didn't search him, that you wanted to protect his identity as an informer?

A. That is correct.

Q. You didn't take any stuff off of him at that time, in any way?      A. No, sir.

Q. Nothing at all. Now, these other two Chinamen that you brought in there, into the room, in addition to Jimmie Wong and Wong Suey, what was their connection with this matter? What did they have to do with it?

A. Well, you will have to ask the other agent that brought them in what their connection was.

Q. Didn't you know?

A. I don't know of my own knowledge, no, sir. I can repeat what was told to me.

Q. You wouldn't want to repeat what was told to you.

A. I will if you want me to.

Mr. Hannon: No, I don't. That is all.

Mr. Hedlund: That is all, Mr. Giordano, you may be excused. [78]

Oh, excuse me, Mr. Collier.

Mr. Collier: No.

Mr. Hedlund: Thank you. Step down.

(Witness excused.)

Mr. Hedlund: Mr. Doolittle. [79]

## STANLEY E. DOOLITTLE

was thereupon produced as a witness in behalf of the United States of America and was examined and testified as follows:

The Clerk: State your full name, please.

A. Stanley E. Doolittle.

(The witness was thereupon duly sworn.)

## Direct Examination

Br Mr. Hedlund:

Q. Mr. Doolittle, you are Narcotic Agent in Charge of the Portland office? A. Yes, sir.

Q. And in that connection did you have occasion to make an investigation of the opium traffic here in Portland? A. Yes, sir.

Q. Are you acquainted with the defendants here in the court room? A. Yes, sir.

Q. Can you identify them? A. Yes, sir.

Q. Give me the names, all of the names, by which you know them, and identify them as you go along.

A. Beginning on the right is a man I know as Louis Gar Foo or Louis Jung or Louis Shay Jung, Chung Jung Louis, Chung Louis. And the next man over I know as Nee Toy or Toy Nee. The next [80] man, in the center, is known to me as Jimmie Wong or James Wong. The next—

Q. (Interrupting) Do you know him by any other name?

A. No, I don't know him by any other name. The next man over I know as Wong Suey or Suey Wong or Wong Suey Lim. The next man as Wong Pun, Wong Chin Pun, Wong Chin Pung.

(Testimony of Stanley E. Doolittle.)

Q. Is that all?           A. Yes.

The Court: Pung, (spelling) P-u-n-g?

A. Pun, or Pung, either one.

The Court: "P", rather than "F"?

A. Yes "P".

The Court: Oh, I read this "P" as an "F" in the indictment. He is indicted as P-u-n-g.

Mr. Hedlund: Now, Mr. Doolittle, on the evening of the 12th or early morning of the 13th did you have occasion to give Government funds to anybody?

A. Yes, on the evening of January 12th, 1942, in the city of Portland, Oregon.

Q. And to whom did you give money?

A. I gave fifty dollars to Harry Lee.

Q. Now, did you take the serial numbers off of the bills that you gave him?

A. Yes, sir. I did.

Q. Will you please give us the numbers of those bills and tell us [81] the denominations of the bills.

A. I have a list, which was prepared at the time that I gave them to him, containing the denominations and the numbers.

Q. Just give it to us.

A. A twenty-dollar bill, L-14175818 A.

The Court: Too fast. Wait a minute; slow, so Mr. Hannon can write it down.

A. Twenty-dollar bill L-14175818 A.

Mr. Hannon: —818?

A. —818 A.

Mr. Hannon: Yes.

(Testimony of Stanley E. Doolittle.)

A. Another twenty-dollar bill, L-30473155-A.  
Ten-dollar bill L-66632801-A.

Mr. Hedlund: Now, after you gave that to him what did he do with it?

A. I, with other Narcotic Agents, followed him to 318 Southwest 2nd Avenue.

Q. And you have heard Mr. Giordano testify?

A. Yes.

Q. Are there any material differences that you might think of in the course of the testimony up to the point where he was up there on the third floor?

The Court: The second—or third floor.

Mr. Hedlund: He went to the third. You stayed on the second floor, didn't you, Mr. Doolittle? [82]

A. No, I said 318 Southwest Second Avenue, not any floor.

Q. All right.

A. Then I followed them up to the—saw them go up to the third floor, Giordano and Lee.

Q. Now, subsequent to that did you ever see that money again? A. Yes, I did.

Q. Where did you see it?

A. In a drawer which was on a desk in Room 10, 318 Southwest Second Avenue.

Mr. Hedlund: Hand the witness Exhibit 15.

The Bailiff: I don't see it.

The Court: Come and find it, Mr. Hedlund.

Mr. Hedlund: Yes.

The Bailiff: Here is 15; I found it.

(Testimony of Stanley E. Doolittle.)

A. This isn't it. This is the miscellaneous money that was found there besides.

Mr. Hedlund: Then I want Exhibit 16, then. What number appears on that, Witness, please?

A. This is 15 here.

Q. All right, then Exhibit 16, if the witness please. Thank you. I want you to look at the contents and tell us if you know what it is?

A. This is the two twenties and ten which I furnished Harry Lee on the night of January 12th, 1943.

Q. And which you subsequently found where?

A. Which I subsequently found in the drawer on the desk in Room [83] 10, 318 Southwest Second Avenue, Portland, Oregon.

Q. Do the same numbers appear on those bills which you read to us awhile ago?

A. The same numbers appear on them.

Q. Now, Mr. Doolittle, will you relate to the Court, as far as you were concerned,—who were you with on the 2nd floor there?

A. Well, I was between the second and third floors on the stairs there, walking back and forth.

Q. Tell us, just briefly, following along, what happened after Harry Lee went on into the opium place?

A. Well, after Harry Lee had gone in someone came up from down stairs who was held by Agent Smith and Agent Richmond. That was Tang Wah Young, and another man appeared who was held by them named Hong Fong Woo. I didn't see just

(Testimony of Stanley E. Doolittle.)

where he came from, but he didn't come out of the third floor; he came from somewhere on the second floor.

Q. All right.

A. Then, shortly thereafter, a man came out of the—out of Room 10, whom Agent Giordano turned over to me and I took him down to the second floor—

Q. (Interrupting) Who was he?

A. Why, it was James Wong.

Q. All right, go ahead.

A. He was turned over to Agents Richmond and Smith, and I went back and stood near the top of the stairs. A few minutes later [84] another man came out, who was stopped by Agent Giordano, and almost immediately another man came out, and the first man was Harry Lee, and the next man was turned over to me by Agent Giordano and I took him down to the second floor, turned him over to Agents Richmond and Smith. He was Wong Suey.

Q. And—

A. (Interrupting) Then Agent Giordano and Harry Lee went through the door of Room 10, the first door, out of my sight, and I waited outside the door for a few minutes, and it was opened by someone on the inside and Agent Richmond and I went into Room 10 and there saw Louis Jung or Gar Foo, Nee Toy, and Wong Chin Pung or Wong Pun.

(Testimony of Stanley E. Doolittle.)

Q. Now, you have heard the arrangements of the room, you are familiar with the room. Is there anything that you would want to amend from what Giordano said about it? A. No.

Q. Did you examine anything on the bunks or tables around the room?

A. Yes, I looked them all over.

Q. What did you find?

A. Well, on each of these three bunks or tables, whichever you call them, there was a complete smoking outfit, consisting of the burning lamp, the burning lamp on each one, a tray, a pipe, opium pipe, bowl, and various accessories like scissors and knives, yen hocks, yen gows. [85]

Q. Hand the witness Exhibit Number 19. Are those some of those that you found there?

A. These are the opium pipe stems which were lying on the various bunks.

Mr. Hedlund: Hand the witness this group of bowls over here. In the meantime, we offer these pipe stems into evidence.

The Court: Admitted.

(The pipe stems referred to, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 19.)

Mr. Hedlund: Q. Will you identify those, please? I believe those are marked number 18.

A. These are opium pipe bowls of yenshee, and every one of which was attached to a corresponding

(Testimony of Stanley E. Doolittle.)

opium pipe stem, and I believe there was a spare one or two left over.

Q. You found yenshee in them?

A. There was yenshee, and a short time after I got in there I felt the pipe bowls which were attached to those stems and two of them were warm.

Q. Which two?

A. I couldn't recall which two from the way in which they are lying here now.

Q. But you do recall that two of them were warm?

A. Two of them were warm and one of them wasn't. [86]

The Court: One of them what?

A. Two of the were warm and one of them wasn't.

The Court: There were three altogether?

A. There were three outfits set up.

Mr. Hedlund: Q. And the rest of them were spares, is that the idea? A. Yes.

Q. Are these the three lamps you refer to?

A. Yes, they are.

Mr. Hedlund: We will offer those bowls in evidence.

(The bowls referred to, so offered, having previously been marked for identification, were thereupon marked received as Government's Exhibit 18.)

Mr. Hedlund: Q. And these persons were kept in custody by you and Giordano, is that right?



(Testimony of Stanley E. Doolittle.)

A. Yes, they were. Giordano and Harry Lee were also in the room. I neglected to mention that.

Q. Now, who else came into the room after that?

A. Well, after Richmond and I had seen who was in the room we went back down to where Agent Smith was and brought up Wong Suey, James Wong, and these other two Chinese, into the room.

Q. Who were these other two Chinese?

A. They were Tan Wah Young and Hong Fong Woo.

Q. Well, I mean, what were they doing there, so far as you know?

A. They just appeared in the building there. So far as we could [87] determine, they had no connection with the——

Q. (Interrupting) What was your purpose of stopping them?

A. To keep them from spreading the alarm.

Q. Now, you and Mr. Giordano and Smith and Richmond left the place, did you?

A. After we had examined the various opium exhibits, and so forth, which were in the drawers, and all the other equipment.

Q. And to whom did you give custody of the place and the persons or prisoners there?

A. When I left District Supervisor Bangs was in charge, Bangs and Burke, I believe.

Mr. Hedlund: You may cross-examine.

#### Cross-Examination

By Mr. Hannon:

Q. When did you first meet Harry Lee?

(Testimony of Stanley E. Doolittle.)

A. The first time I met him was the night of January 12th, 1943.

Q. Had you ever made any purchase of Harry Lee, of opium from him?      A. I have not.

The Court: Take that stuff out of his lap, so it won't bother him.

A. I hadn't, myself.

Mr. Hannon: Q. Had you had any contact with Harry Lee?      A. Not myself.

Q. Had you been present when some other agent had contacted him? [88]

A. I had observed those contacts. I hadn't in his immediate presence.

Q. And you had observed Harry Lee selling opium to different Government agents?

A. Only one Government agent, I believe.

Q. And who was that Government agent?

A. Narcotic Agent Giordano.

Q. On how many occasions had you observed him selling to Giordano?

A. I don't recall on just exactly how many occasions.

Q. Did you know at that time that Giordano was employing him as his informer?

A. He was not employing him as an informer when he was buying from him, no.

Q. Well, now, on the 12th day of January, he was buying from him at that time, wasn't he?

A. Yes.

Q. And you arrested him?      A. Yes.

Q. Did you talk to him any before he went down to 318 with you?

(Testimony of Stanley E. Doolittle.)

A. Yes, we took him over to the Customs House, where we talked to him and he talked to us.

Q. And you made the arrest? You were the officer in charge, weren't you?

A. At that time District Supervisor Bangs was in charge of the [89] whole thing.

Q. Was Bangs present when the arrest was made, or were you?

A. No, I was there when the arrest was made and he was not, but he was present afterwards.

Q. Who else was there?

A. Well, Agent Giordano had just made the buy. He was there and I was there.

Q. And you stepped up and you said, "You are under arrest, Harry"? A. Yes.

Q. What conversation did you have with Harry at that time?

A. Before we could start any conversation he started talking to us.

Q. Now, that arrest of Harry Lee that night had been pre-arranged by yourself and your other agents, isn't that right?

A. It had been tentatively arranged if the deal went through.

Q. That you were going to make that arrest?

A. Yes.

Q. And on other occasions when Harry would be selling to Giordano there was no arrest made?

A. No.

Q. You just merely observed, is that correct?

A. Yes.

(Testimony of Stanley E. Doolittle.)

Q. You took Harry to the Custom House?

A. Yes.

Q. Why didn't you take him up to the County Jail? [90]

A. It was our desire to take him to the Custom House.

Q. Yes. For what? A. To talk to him.

Q. And you wanted to talk to him for the purpose and with the idea of getting his supply?

A. Well, we didn't know at the time just what was going to happen.

Q. Well, that was your purpose, wasn't it, in part?

A. Well, there had been arranged for that evening a series of arrests and the arrangement was to bring whoever was arrested to the Custom House.

Q. You did talk to him about where his supply was coming from? A. He told us.

Q. Yes; but you asked him about it?

A. Not until he opened the conversation.

Q. But after he opened the conversation you went into it with him and asked him questions concerning it? A. Yes.

Q. And you made the suggestion that he take you down to 318?

A. No. He said that he could make a buy down there, and we didn't know whether he could or not, and it was our purpose when we went down there to make a purchase of opium if possible and we went there with that idea in mind.

(Testimony of Stanley E. Doolittle.)

Q. Now, after you had had him arrested, had him in your custody,— [91]

A. (Interrupting) Yes.

Q. (Continuing) —was there anything said or any offer made by you that you would show him some consideration if he would assist you in making a buy of opium? A. Made him no promises.

Q. Well, what did you say to him about it, what you would do for him?

A. Didn't tell him that I would do anything for him.

Q. Well, you made some kind of an offer or an inducement for him to go down and act as your informer, didn't you?

A. Well, we didn't know what was going to happen when we went down there.

Q. No, just answer the question. Will you read it to him?

A. I didn't make him any inducement.

Q. Did anyone in your presence?

A. Not in my presence.

Q. Now, did you tell him anything about what you could do to him in this case, with the evidence that you had on him for the various sales? Did you tell him what the punishment would be in those cases? A. No, I didn't tell him that.

Q. Did any of the other agents tell him?

A. No, but he indicated that he was aware, as he had already been sent to jail on similar charges before.

Q. You mean he was an ex-convict? [92]

(Testimony of Stanley E. Doolittle.)

A. Yes.

Q. Where is Harry now?

A. I don't know just exactly where he is.

Q. When did you see him last?

A. I saw him in the court room here one day, but I can't recall just what day it was. I believe I saw him here the day of his arraignment.

Q. That was the last time you talked to him?

A. I don't believe I talked to him that day.

Q. And when he spoke up and said he knew what the punishment would be for the evidence you had on him here, what did you say to him then?

A. Well, he didn't speak up and say he knew what the punishment would be, but he——

Q. (Interrupting) Well, what did he say in connection with it? You made a statement here that he expressed an appreciation of the sentence that he would probably get for violating this law, he knew because he had been an ex-convict, had been in for the same offense,—or similar offenses, rather. What did you say when he made that statement to you?

A. I don't recall what I said. I don't——

Q. (Interrupting) Did you enlarge on the situation? Did you enter into a conversation with him about that? A. No.

Q. You didn't say anything, eh? Do you want us to believe that? [93]

A. No, I didn't say that he expressed all that. What I mean to say was that he knew he was an

(Testimony of Stanley E. Doolittle.)

ex-convict, and he did too, therefore, there was no discussion about it.

Q. Now, your statement, your testimony, as I understood you,—I want to be fair with you, Mr. Doolittle—but, as I understood it, that Harry told you that he knew what the punishment would be because he had been in similar trouble before; isn't that correct?

A. I believe I said he indicated he knew.

Q. Well, how did he indicate it? By looks? or by words?

A. Well, just by his actions and looks, I believe.

Q. And what were his looks or actions, that he gave you that indication, that caused you to conclude that he was an ex-convict,—now, you are judging from his looks and his actions here, not by words—that caused you to believe that he knew he was an ex-convict, that he knew what the punishment would be, and that he appreciated the situation and was more or less at your mercy?

A. Well, he had indicated that before.

Q. No, I am asking you what he did that made you know these things you are telling us about here?

A. Well, I couldn't say just exactly what he did, Mr. Hannon.

Q. And you don't recall, is that correct?

A. No.

Q. Now, when did you give Harry Lee this money to make this buy [94] at Second?

(Testimony of Stanley E. Doolittle.)

A. Shortly before midnight, just before we left for the 318 Southwest Second.

Q. Where? A. In the Customs Building.

Q. You were in the Customs Building. Now, you had been there with him from about nine o'clock until about twelve, hadn't you?

A. No; in the interval I had been out on something else.

Q. But he had been held there in custody during that time, hadn't he? A. Yes.

Q. And would you say it was about eleven-thirty you gave him the money?

A. I would say it was a little closer to a quarter to twelve.

Q. Quarter to twelve. What did you tell him to do with it?

A. To attempt to make a buy of opium.

Q. Did you tell him you would pay him for it?

A. No.

Q. Was he to get anything for making that buy for you? A. Nothing was promised him.

Q. No, but was anything stated about how you had treated other boys who had acted as your informers? A. No.

Q. And this was the first time you ever saw Harry Lee, and he was in custody from about nine to twelve o'clock, or there- [95]abouts, and you hadn't been there all the time, and you just handed him out fifty dollars; is that correct?

A. I hadn't been there all the time.

Q. And you handed him the fifty?



(Testimony of Stanley E. Doolittle.)

A. Yes.

Q. To go down and make a buy?

A. He said he would make a buy.

Q. You did give him the fifty? A. Yes.

Q. And told him what it was for? A. Yes.

Q. And did you give him any directions as to what he was to do?

A. Well, he was to accompany Agent Giordano.

Q. Well, he was in your company, too. Weren't you in the party?

A. I was following along.

Q. And you were pretty close to him?

A. I was close, yes.

Q. Now, you went down to 318 Southwest Second, what was your position in the house?

A. Well, I didn't remain standing in any one position. When I was—let's see, when James Wong came out of the place I took him from the third floor down to the second floor and returned.

Q. Did you see him when he came out of the room, Room 10?

A. I didn't recognize him when he came out, no.

Q. I know you didn't recognize him when he came out of there. [96] Did you see Jimmie Wong come out of there? We all knew who Jimmie Wong was. Let's talk about him. Did you see Jimmie Wong come out of Room 10?

A. No, I didn't.

Q. You took him down to the second floor?

A. Yes, sir.

(Testimony of Stanley E. Doolittle.)

Q. Were any other agents there?

A. I left him with Narcotic Agent Richmond and Narcotic Agent Smith.

Q. Then did you see Harry Lee go in the room, into Room 10?

A. I didn't actually see him go in.

Q. That is what I am asking you, what you actually saw. You didn't see him go in. Do you know where Wong Suey came from? Was he from the third floor, or was he—

A. (Interrupting) From the third floor.

Q. From the third floor. Did you see him come out of the room, Room 10?

A. No, not to actually see him come out.

Q. Now, about what time of day or morning was it when you went into Room 10 the first time?

A. It was around 12:15 A.M., January 13, 1943.

Q. Do you know what time Officer Giordano went in?

A. He went in a couple of minutes ahead of me.

Q. Only a couple of minutes ahead of you?

A. Well, I wouldn't say exactly how long it was, but it was [97] only a matter of minutes.

Q. Now, Harry Lee had been in there ahead of all of you, is that right? He was the first one of your gang in Room 10, is that right?

A. Well, as far as I know, he was.

Q. Yes; and you didn't see Giordano go in, did you? A. Yes, I saw Giordano go in.

Q. You saw him go in. Why didn't you go in with him?

(Testimony of Stanley E. Doolittle.)

A. Well, I didn't have any reason, one way or the other, at the time.

Q. Well, you were going into that room, you knew you were going into Room 10, didn't you?

A. Well, I didn't exactly know just what was going to happen at that time.

Q. And you knew that Lee contended that he had already made the buy; is that correct?

A. Well, I didn't hear the conversation as to that. That was between him and Giordano.

Q. Did you know at that time that he had made the buy?—I will ask you that.

A. Through Agent Giordano.

Q. And he told you that before he went into the room with Lee, didn't he?      A. Yes.

Q. And you were all going in there for the purpose of making [98] a search and raiding the place, is that correct?      A. If we could get in.

Q. Yes. And you saw him go in. Did he go in with Lee, or did he go in first?

A. He went in behind him.

Q. Went in behind Lee. And after you went in there—you went in the room how soon, would you say, after Lee? Ten or fifteen minutes?

A. Well, after Giordano?

Q. Giordano.

A. I went in just a couple of minutes, just long enough for him to do what he described and then open the door.

Q. And he let you in. He knew you were going to follow, did he?

(Testimony of Stanley E. Doolittle.)

A. I believe he assumed that.

Q. Who accompanied you into the room?

A. Narcotic Agent James F. Richmond.

Q. You and Richmond went into the room together. What was Giordano doing in the room when you arrived there?

A. He had Nee Toy, Louis Jung alias Gar Foo, and Wong Chin Pung over to the side there.

Q. Had he made a search of the premises at that time?

A. No, I don't believe he had time to make any exhaustive search.

Q. Did he make an examination of the pipes before you did?

A. I didn't observe whether he did or not.

Q. Now, after you were in the room how soon did you start making [99] the examination of the pipes?

A. Well, first we looked to see who was in there, to get that in mind, or I did, and I looked at these three men so I would remember who they were and——

Q. (Interrupting) Did you get their names?

A. Not right at that minute.

Q. Go ahead.

A. Then I saw all these opium-smoking outfits lying around, took it all in, and looked it over, and I couldn't say just what the sequence was, but somewhere in there I felt of those pipes and saw the lamps burning, and so forth.

(Testimony of Stanley E. Doolittle.)

Q. It was some time after you were in there, however, before you felt the pipes?

A. Well it wasn't any appreciable time. It was just a matter of minutes.

Q. You had no trouble in seeing the pipes? The minute you stepped in the door you could see the pipes?

A. That is right.

Q. They were right in front of you?

A. They were spread around there.

Q. One bunk with the pipe on it was right in front of the door?

A. Yes.

Q. Did you see that pipe?

A. Yes.

Q. You weren't looking for pipes, were you? You were looking [100] for opium?

A. We were looking for whatever we could find in the way of narcotic evidence.

Q. Well, opium would be narcotic evidence.

A. Yes.

Q. And that was your purpose there?

A. The purpose was to find any narcotic evidence.

The Court: How many lamps were burning?

A. Three.

The Court: Why would one be cold, one bowl be cold, and the others warm, if all three lamps were burning?

A. I believe they leave—this is just assumption—they leave the lamps burn rather than put them out, whether someone is smoking or not.

Mr. Hannon: Q. Well, the cool one—why would

(Testimony of Stanley E. Doolittle.)

they let one go out and burn the other two, if they keep the lights going?

A. Because those lamps burn peanut oil, and that is not very expensive; it was no trouble to leave them burn.

Q. But there was one that the light was out in, it was cool, according to your testimony.

A. No, the opium pipe bowl was cool, not the lamps, according to the testimony before.

Q. Then all three lamps were hot; is that what I understand your testimony?

A. They were burning, there was a flame in them,—the lamps, that is. [101]

Q. Now, did you see Jimmie Wong in the room?

A. Saw him in the room after he was brought back in.

Q. Until you brought him into the room is the first time you saw him in the room?

A. That is the first time I saw him in the room.

Q. Was Jimmie dressed and ready for the street?

A. He had on an overcoat.

Q. Have a hat on?           A. I believe he did.

Q. And Wong Suey, was that the first time you saw Wong Suey in this room, was when you returned him to it?

A. The first time I saw him in the room.

Q. And Wong Suey was completely dressed for the street?           A. Yes.

Q. Now, Wong Chin Pung, was he in the room when you went in?           A. Yes.

(Testimony of Stanley E. Doolittle.)

Q. How was he attired?

A. He had on a pair of pants and a vest, I believe.

Q. Was he standing up or was he on this bunk?

A. They were all standing up—these three were standing up when I got in there.

Mr. Hannon: That is all.

Mr. Collier: Q. Had you ever known Nee Toy prior to this time?

A. Not prior to that time. [102]

Q. Well, when you asked him his name he told you his name was Nee Toy, didn't he?

A. Yes.

Q. You don't want the Court to understand that he was trying to give you a name other than his true name, do you?

A. No, but it was—the way I understood it, he was known as Nee Toy or Toy Nee, either one.

Q. Well, he didn't tell you that his name was Toy Nee, did he? He told you his name was Nee Toy, didn't he?

A. Well, the way I understood him to say—

Q. (Interrupting) Now, I am just asking you what he told you. Now, if you know, why, all right; if you don't know, say so.

A. Nee Toy or Toy Nee is what he told me.

Q. Well, did he give you both names?

A. That is the way I got it.

Q. Was he exercising any acts of supervision or ownership in that Room 10?

(Testimony of Stanley E. Doolittle.)

A. He was just in there.

Q. And when you got in he was standing, as I understand,—the officer who had preceded you had them lined up along the wall and they were standing?

A. Yes, he had them over to one side.

Q. Well, they were standing over near the wall, were they not?

(There was no audible answer.)

Q. Did you take Nee Toy down to the Custom House? [103]

A. I did not.

Q. Well, did you go down there with him?

A. No, I didn't go down there with him, but I saw him there later.

Q. Did you find out his business?

A. He told me that he was cook at the Canton Grille.

Q. Have you ever found any reason to doubt that statement?

A. No.

Q. Did he tell you where he cooked before that?

A. I don't recall that he did.

Mr. Collier: That is all.

### Redirect Examination

By Mr. Hedlund:

Q. Mr. Doolittle, what was, in general—or recall as much as you can of the conversation that you had with Harry Lee that night. Just go ahead and state what the conversation was. What did he say when he was arrested, and so on?

A. Well, when we first arrested him——



(Testimony of Stanley E. Doolittle.)

Mr. Hannon: (Interrupting) I have no objection to it, but we have covered that two or three times.

Mr. Collier: It was all covered in chief and we cross-examined. Now he wants to come along rehash the statement of Harry Lee. If there is a reason, I have no objection, but if he just wants to take up the time I object to it.

Mr. Hedlund: Go ahead and answer the question, Mr. Doolittle. [104]

Mr. Hannon: Would it be all right if we asked a ruling of the Court on that?

Mr. Hedlund: You didn't object.

The Court: I thought you gentlemen were going to decide it yourselves. You gave every indication of doing so. Do you want me to decide something?

Mr. Hannon: Yes, your Honor.

The Court: You have gone into it, I suppose, because you want to make some claim of entrapment.

Mr. Hannon: Yes, your Honor.

The Court: Go ahead.

Mr. Hedlund: Go ahead and tell your conversation with Harry Lee before when you were going down to the hop joint.

A. When he was arrested he talked to the effect that we didn't want him, that he wasn't the one we wanted, that who we should get were the bosses of the opium joint.

(Testimony of Stanley E. Doolittle.)

Q. Did he name anybody?           A. Yes.

Q. Who?

Mr. Hannon: Just a moment. That is not proper, your Honor.

The Court: No.

Mr. Hedlund: How did you rule, your Honor?

The Court: I ruled against you.

Mr. Hedlund: Q. Go ahead, tell what was the conversation.

The Court: Just tell what arrangements you made with him [105] and what he did when he went down there to help you make the arrests.

A. Well, after he was arrested we went over to the Customs Building and the various officers were there——

The Court (Interrupting): It is cumulative.

Mr. Hedlund: Q. Did he offer to do it or did you ask him to do it?

A. He offered to go down there to do it.

Mr. Hedlund: That is all.

The Court: That is all. Step down.

Mr. Hedlund: Just one or two more questions.

The Court: One will be enough.

Mr. Hedlund: All right, I will ask it this way: When James Wong and Wong Suey came out to you did they tell you where they had been?

A. They did.

Q. Where?

A. They said they had just come out of the Room 10.

(Testimony of Stanley E. Doolittle.)

Mr. Hedlund: O.K. Thank you.

Mr. Hannon: No questions.

The Court: Step down. Thank you.

(Witness excused.)

Mr. Hedlund: Mr. Bangs. [106]

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ANKER M. BANGS

was thereupon produced as a witness in behalf of the United States of America, and was examined and testified as follows:

The Clerk: Will you state your full name.

A. Anker M. Bangs.

(The witness was thereupon duly sworn.)

Direct Examination

By Mr. Hedlund:

Q. Your name, please?

A. Anker M. Bangs.

Q. And your position, please?

A. District Supervisor, Bureau of Narcotics.

Q. Stationed where?

A. Seattle, Washington.

Q. And you have charge of the Portland, District, too?      A. That is right.

Q. Are you acquainted with the occasion of the arrest of the five defendants in this case?

A. I am.

Q. Are you acquainted with each of the defendants?      A. I am.

(Testimony of Anker M. Bangs.)

Q. How long have you known them?

A. Louis Gar Foo, or Louis Jung, I have known two or two and a half years. Nee Toy, I first knew on the night of the—or [107] on the early morning of January 13th. James Wong I have known about but I never knew him personally. Wong Suey I have known for a good year and a half, and Wong Pun I have known about but I never met him until the morning of January 13th.

Q. Now, did you go along on this raid?

A. I did.

Q. And you were present, I take it, when the arrangement was made with Harry Lee?

A. I was.

Q. Now, when you went up to the room did you examine the smoking-opium pipes about which there has been testimony here?

A. That is the first thing I did when I entered the smoking room proper.

Q. Well, how long was it,—would you have any way of knowing how long it was after Giordano first went into the place that you got in?

A. It was less than ten minutes.

Q. Would you say it was more than eight?

A. No, it was probably even less than that, probably about five or six minutes.

Q. Well, what did you find with reference to the pipes?

A. I found all three lamps red hot, that is, good and hot, and two of the pipe stems and the bowls hot.

(Testimony of Anker M. Bangs.)

Q. Can you recall the location——

A. (Interrupting): The third one was tepid, you might call it, [108] or lukewarm.

Q. Lukewarm?

A. Yes. In other words, there was a distinction between the three of them, between the two and the third.

Q. Now, were there any other pipe bowls around there?      A. There were some, yes.

Q. And what would you say as to their warmth?

A. They were cold.

Q. Now, tell us where you found the three that were from tepid to warm?

The Court: What is important about that? Why do you want that?

Mr. Hedlund: Well, your Honor, it occurs to me that what they are trying to do is to show that these people were not smoking in the place. We have one person who was lying on the bunk right straight down from the door, and there was one who got up from the bunk to the left.

The Court: What difference does it make whether they were smoking?

Mr. Hedlund: Well, it doesn't make any, I don't suppose, but they are trying to make something out of it. I suppose they are going to contend that this was a club room.

The Court: Do you have admissions from any of these defendants?

Mr. Hedlund: No. [109]

The Court: Is this your last witness?

(Testimony of Anker M. Bangs.)

Mr. Hedlund: No. I have to do a little tracing, and then I have an item there that I want translated.

The Court: You mean the account book?

Mr. Hedlund: Yes.

The Court: What do you mean by "tracing"?

A. Well, I have to establish the chain of the narcotics from Seattle. It will only take a couple of minutes.

The Court: What do you mean by "tracing"?

Mr. Hedlund: Well, Mr. Bangs was the next custodian of all of the evidence.

The Court: Are you going to have Harry Lee testify?

Mr. Hedlund: No.

The Court: Why not?

Mr. Hedlund: Well, after all, he is a defendant in another case and I have never asked him whether he wanted to testify. I didn't think it was necessary. I couldn't force him to testify.

The Court: Now, your substantive case is made out now, isn't it?

Mr. Hedlund: Well, there is one little item, and that is the matter of the account book.

The Court: Yes. Does that connect these five defendants up?

Mr. Hedlund: It connects—just a minute, your Honor. Well, [110] maybe you can tell us, Mr. Bangs,—you have studied that carefully; I haven't had a chance to refresh my memory—what names

(Testimony of Anker M. Bangs.)

of these five defendants appear on that account book?

A. Nee Toy definitely. There is a question as to James Wong.

The Court: Wait a minute. You had better not go into that now. There may be a question as to the admissibility of that. I just want to get my bearings on the case. I like to do that when we do not have a jury, so that we outline things out. You have charged purchase and sale in the indictment, haven't you?

Mr. Hedlund: Concealment, purchase, sale, distribution,—yes, that is right, your Honor.

The Court: Well, now, you have got Gar Foo—that is easier for me to pronounce than the other name—you have got him over behind the desk where the money was.

Mr. Hedlund: Yes, your Honor, and we have got his jacket behind that. And, as to Wong Suey, I am not through with this witness. I have got this box to introduce in evidence.

The Court: Now, wait a minute. Let's go from right to left. We go from Gar Foo to James Wong—no, the other man there, Nee Toy. Now, what do you claim as to the case against him as to sale? Anything?

Mr. Hedlund: No.

The Court: As to purchase?

Mr. Hedlund: As to purchase? [111]

The Court: Now, how?

(Testimony of Anker M. Bangs.)

Mr. Hedlund: First of all, the fact that he was present in the premises where there was a large quantity, some six hundred dollars worth, of smoking opium, various paraphernalia for smoking opium, and he was right near where this pipe and lamp was going, and yenshee in the pipe; and, in addition—let's see with respect to Nee Toy.

The Court: Nee Toy.

Mr. Hedlund: Nee Toy,—his name appears on the account books.

The Court: Well, now, we will get to that later. There may be a question of evidence there.

Mr. Hedlund: All right; and, further, that he has given us a statement of making a purchase.

The Court: All right, you have a statement from him of purchase, an admission. Now, James Wong: Do you have a sale?

Mr. Hedlund: No sale.

The Court: Purchase?

Mr. Hedlund: At least this, your Honor, that in all cases it is a question of concealment under the second—that is under the alternative count.

The Court: I am not talking about the second. I am talking about the purchase and sale.

Mr. Hedlund: It would be a question of purchase.

The Court: All right, what have you got against him? [112]

Mr. Hedlund: The fact that he came out of this place which had a large amount of opium in it, and that he admitted being in there. I must say,



(Testimony of Anker M. Bangs.)

your Honor, that I haven't developed fully what he said afterwards. He gave a tale about the matter. Incidentally, his name also——

The Court (Interrupting): You had better develop it.

Mr. Hedlund: Well, I have to do that. I haven't finished my case.

The Court: Who are you going to develop it by?

Mr. Hedlund: By Mr. Bangs.

The Court: All right, that is what I want to get at. Now, then, the next man, Wong Suey: Are you going to have a statement from him? You remember I asked you right at the outset if you had admissions from each one of them and you said no.

Mr. Hedlund: No.

The Court: Now you say you have an admission from Wong.

Mr. Hedlund: No, there was no admission from Wong. He was simply telling what he was doing in there.

The Court: I think I had better tell you that, as to the purchase, just the fact that somebody was in a place doesn't seem to me to be enough, or came out of there.

Mr. Hedlund: Well, now, your Honor, ——

The Court (Interrupting): You go ahead and produce your case, and I have given you that idea to be thinking over this afternoon and this evening. Suppose you find a man in a saloon, [113]

(Testimony of Anker M. Bangs.)

it doesn't even mean that he has bought a drink yet.

Mr. Hedlund: No, your Honor, I realize that.

The Court: Particularly if he came busting out of the door. Maybe he only had two dollars and six bits after he got in there whereas it cost three dollars to stay.

Mr. Hedlund: Q. The hot pipes, Mr. Bangs, you say there was one that was tepid and two that were warm?

A. Yes.

Q. Can you locate those?

A. No, I can't pick out the two that were real hot.

Q. No, I don't mean the pipes themselves, but the place where you found them.

A. The one directly in front of the door as you came in was hot, and the one to the left-hand side was hot, and the one to the right-hand side was the tepid or lukewarm one.

Q. And that was on the opposite side of the room from the desk? A. That is right.

Mr. Hedlund: Now hand the witness—I guess this is not marked for identification. Should these be separate?

A. No.

Mr. Hedlund: Oh, mark it all as one exhibit, please.

(The keys and lock referred to, so produced, were thereupon marked for identification as Government's Exhibit 21.)

(Testimony of Anker M. Bangs.)

Mr. Hedlund: Hand him that, please. [114]

Q. Tell us, if you know, what that is and where you found it?

A. This bunch of keys were lying on the floor,—that is, I found them on the floor during the period I was there. At the time I found them Louis Jung was in the—on the left-hand side, more or less up against the wall, and Wong Suey was on the right-hand side, and these keys were found close to him.

Q. To Wong Suey?

A. Close to Wong Suey.

Q. All right.

A. I asked Wong Suey first whether they belonged to him. He denied it. I then asked each and every person inside whether it belong to them. No one would admit ownership or claim any knowledge about that. I then tried the keys in the doors and found that one of them unlocked the front door lock.

Q. That is, the outside door?

A. That is right.

Q. And that is the lock that you took off the outside door?

A. That is right.

Mr. Hedlund: Now, have this marked for identification, please, and hand it to the witness.

(The object referred to, so produced, was thereupon marked for identification as Government's Exhibit 22.)

Mr. Hedlund: We will introduce that in evidence.

(Testimony of Anker M. Bangs.)

The Court: What? The keys? [115]

Mr. Hedlund: The keys and the lock.

The Court: Admitted.

(Said lock and keys, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 21.)

Mr. Hedlund: Q. Have you examined that?

A. Yes, sir.

Q. Where did you ever see that before?

A. I saw that in Room 10, 318 Southwest 10th—or Southwest Second Avenue, Portland, Oregon.

The Court: What is it?

A. It is a suit of clothes made by the Joy Tailors, Portland, Oregon.

Mr. Hedlund: Q. Now, who does that belong to? A. Belongs to Wong Suey.

Q. How do you know?

A. He claimed ownership of it and he had slips in one pocket showing that he had purchased suits from this tailorshop.

Q. And that was in the room after he left that night? A. Yes, that is right.

Mr. Hedlund: We will offer that in evidence.

The Court: Were there any sleeping accommodations there?

A. No sleeping accommodations.

The Court: Were there—— [116]

A. (Interrupting): No eating, no sitting.

The Court: What?

(Testimony of Anker M. Bangs.)

A. No eating accommodations and no sitting accommodations, except lay down.

The Court: Nothing to cook on?

A. There was a plate, but it didn't appear to have been used for any great extent except for boiling water.

The Court: No cooking utensils?

A. No.

Mr. Hedlund: Q. A heating stove there?

A. There was a burning stove there for heat, for heating the room. There was a gas plate on one side.

Mr. Hedlund: The offer is made, your Honor.

The Court: The suit of clothes is admitted.

(The clothing referred to, so offered and received, having previously been marked for identification, was thereupon marked received as Government's Exhibit 22.)

Mr. Hedlund: Q. Now, when you talked to Jimmie Wong what did he give you as his name?

A. I talked to each and every person inside, questioned them about their names, their reasons for being there. That was over a period of approximately two hours, one at a time. Louis Gar Foo would give me no good reason for being inside. Nee Toy admitted— [117]

Mr. Hannon (Interrupting): Your Honor, that is not responsive, as to whether their reasons were good or not.

Mr. Hedlund: Q. What did Jimmie Wong say

(Testimony of Anker M. Bangs.)

as to what his name was? That is all I asked you, Mr. Bangs.

A. He said his name was Louis Gong, Louis Gar Foo——

Q. (Interrupting): No, Jimmie Wong.

The Court: What did Jimmie Wong tell you?

A. He first gave me his American name as James Wong.

Mr. Hedlund: Q. All right, what else did he say?

A. I asked him what his Chinese name was and he gave me two or three.

Q. What were they?

A. As I recall, it was Wong Yee Kow or Wong Kee Kow or Wong Ding Kow.

The Court: What is the point of all these names?

Mr. Hedlund: To account for identity, your Honor.

Q. What else?

A. I asked him what he was up there for.

Q. No, what other name? I didn't get the last one.

A. Wong Ding Kow.

Q. What did Louis Chung say to you?

A. That his name was——

Q. (Interrupting): No, not as to his name, but just in general.

A. I asked him why he was up there and he offered no explanation for being there. He denied ownership. He denied ownership or [118] any knowledge as to what was going on inside.

(Testimony of Anker M. Bangs.)

Q. What did Jimmie Wong give you for being up there?

A. He said he came up there to collect a bill. I asked him who the person that owed him the bill was, and he made no reply to that. I asked him how much the bill was. "Oh, just a few dollars", he said. I asked him if he had anything to show in the way of paper or documents that anybody owed him any money in those premises. He didnt' show me anything.

Q. Now, after Giordano and Doolittle had all left were you in charge of the place?

A. Until about three o'clock.

Q. Until about three o'clock; and you had the persons in custody all of that time?

A. That is right.

Q. And the evidence which has been introduced here was in your custody at that time?

A. That is right.

Q. To whom did you turn it over?

A. Customs Agent Baile and——

Q. (Interrupting): Was any of it disturbed or changed in any way?

A. Everything was left intact the way it was found and as found.

Q. When, if any, was a search of Harry Lee made?

A. About eight o'clock in the morning.

Q. Did you participate in that search?

A. I did. [119]

Q. What was found on him?

(Testimony of Anker M. Bangs.)

A. As I recall, it was either eight or nine bindles that were shaken out of his shoe.

Mr. Hedlund: Hand the witness Exhibit 11, please.

Q. Now, will you examine that, please, and tell us if you know what that is?

A. That is opium prepared for smoking.

Q. Have you ever seen it before?

A. I have.

Q. Where?

A. On the night of—on the morning of January 13, 1943, in Room 10, 318 Southwest Second Avenue, Portland, Oregon.

Q. And tell us the circumstances of how you saw that, how you happened to see it.

A. I saw Harry Lee shake them out of his shoe.

Q. And did you have that in your possession for a while?      A. I did.

Q. Until when?

A. Until, about nine-thirty in the morning, I gathered it all together and brought it over to the court house here and placed it in the office vault.

Q. Now, is that in the same, or substantially in the same, condition as it was at the time that you saw it?      A. It is.

Q. Did you ever see any tax stamps either on those bindles or [120] upon any container in which they might have been or from which they might have been taken?      A. There were not.

Mr. Hedlund: We offer that exhibit in evidence.

The Court: Admitted.



(Testimony of Anker M. Bangs.)

(The objects referred to, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibit 11.)

Mr. Hedlund: You may cross-examine.

Cross-Examination

By Mr. Hannon:

Q. When did you first see Harry Lee?

A. You are referring to this particular night, now?

Q. No, no.

A. Oh. I first saw him in Seattle,—oh, it is close to three years ago, I think.

Q. Did you have any transactions with him with reference to purchasing opium from him?

A. At that time?

Q. Yes.           A. No.

Q. When did you first have any opium transactions with him?

A. Well, how do you mean that question?

Q. Well, when did you first have any dealings with him in [121] opium?

A. Well, you mean personally or——

Q. (Interrupting): No, personally or through an agent; it doesn't make any difference.

A. Well, I knew he was dealing in opium in Seattle.

Q. Did you arrest him?

A. No, he went—he disappeared and located in Portland.

(Testimony of Anker M. Bangs.)

Q. And when did you first meet him in Portland?

A. Personally, I met him about eight-thirty on the night of January 12, 1943, in the Customs House.

Q. You were not with the officers when they arrested him for selling opium? A. I was not.

Q. And did you make any arrangements with him as to going to 318 Southwest Second that night?

A. Well, he criticized me a little bit for arresting him or picking on him, he was only small fry, "Why don't you go and get the big shots, the big fellows, the hop joint down there? It has been running for a long time and that is where I have been getting my stuff." "Well," we said, "what about it?" "Well," he says, "if you let me go I will go down and get you into that place or make a buy for you."

Q. What did he mean by "If you let me go"?

A. He knew that he had sold opium to Narcotic Agent Giordano on several occasions. [122]

Q. And the deal that he offered to make there was that if you left him he would go down and make a buy at 318 for you? A. No.

Q. Well, what did you tell him?

A. I didn't tell him anything.

Q. What did you offer to do?

A. I didn't offer to do anything. I told him I had no authority to turn anybody loose, the best I could do was for him to do what he said he could

(Testimony of Anker M. Bangs.)

do and when the time came that I would tell the United States Attorney about it, that is as far as I could go.

Q. Didn't you go a little stronger than that, Mr. Bangs, too?           A. I did not.

Q. Didn't you tell him that you would tell the United States District Attorney what an assistance he had been to you, and that in other cases where he had acted as he was about to act that they had been permitted to go at their liberty?

A. You mean Harry Lee himself?

Q. No, no; didn't you tell Harry Lee that, "Well, I can't turn you loose now, but if you will go down there and make that buy as you say you can I will report it to the District Attorney's office and I know how they have acted in other cases and they will act in this case the same as they have in other cases, and the informers have always been turned loose when they cooperate with us"? Didn't you tell him that, in effect? [123]

A. I did not. He wasn't an informer. He was a defendant.

Q. He was about to become an informer for you, wasn't he?

A. Entirely voluntary. I wasn't asking him to.

Q. No, but he was about to become an informer, and you were dealing with him then to become an informer, weren't you?

A. No, I was not. I wasn't making any deal with him.

(Testimony of Anker M. Bangs.)

Q. And you were telling him that you were taking it up with the District Attorney's office if he would make the kind of a buy that he told you he could make?

A. It was my duty to do that.

Q. I am not asking you about your duty, but you did do that?

A. I sure did, yes.

Q. And did you accompany him down to 318 that night.

A. No, I did not.

Q. Well, you were in the party there, going along, and he was in the party but he was with another officer, but you were along in close proximity?

A. I followed in another car and waited across the street while he went upstairs for the purpose of making a buy out of this Room 10, or the hop joint, as he called it.

Q. Now, did you go right up to Room 18 (sic)?

A. After the agents came down and told me that the boys had entered the premises and were inside, that they were inside, I then went up with him.

Q. How long after you went up to the first floor did you go up to Room 10?

A. I didn't linger on the first floor. [124]

Q. Well, on the second floor?

A. I didn't linger there. I went straight up. I remained on the street until he came down and got me.

Q. How long did you remain on the street before he came down?

(Testimony of Anker M. Bangs.)

A. Just a very few minutes.

Q. Would you say ten or fifteen minutes?

A. No, less than that.

Q. And then you accompanied Officer Smith to Room 10?      A. That is right.

Q. And at that time who were in the room?

A. There was Louis Jung, Nee Toy, James Wong, Wong Suey, Wong Pun, and two more.

Q. What officers were in there?

A. Narcotic Officers, Agent Giordano, Doolittle, Smith, Richmond.

Q. You didn't see Giordano go in there, did you?

A. I did not.

Q. And you don't know how much time he had been in there ahead of you?

A. Well, I can figure from the time that I saw him go through the—up the front stairway until Agent Smith came down and told me they were in there.

Q. That is the only way you can figure?

A. That is right.

Q. From the time that he left you on the street and started for Room 10? [125]

A. That is right.

Q. Now, did you see anybody else examine those pipes there that evening?

A. Oh, they were examined by everybody.

Q. They were examined by all of you?

A. Yes.

Q. Why was it so necessary that all of you had to examine these pipes?

(Testimony of Anker M. Bangs.)

A. For evidence purposes and curiosity.

Q. Curiosity? A. Sure.

Q. And when you make an examination do you turn around and ask somebody else to examine them then? Did you request somebody else to examine those pipes? A. No, I didn't.

Q. And you say the keys were found close to Wong Suey? A. That is right.

Q. And who was the person next to—How far away was Wong Suey from the keys?

A. Oh, two or three feet.

Q. And were there anybody else in closer proximity to the keys than Wong Suey?

A. He was the closest one to the keys.

Q. But there were others there in close proximity to the keys, too, weren't there? [126]

A. That is right.

Q. A small room. Now, the clothes that you found in this room, Government's Exhibit 22, was this suit of clothes in the same box when you found it? A. In the exact same box.

Q. In the exact same box as they are now?

A. No, wait a minute; that string wasn't around there.

Q. No, but the suit was in the box?

A. As I recall it, yes.

Q. Yes, was in the box. Now, Wong Suey had given you several names there. Is that an unusual thing for a Chinaman to have more than one name?

A. Oh, they all have. Not all of them. They have several ways of using the same name.

(Testimony of Anker M. Bangs.)

Q. They have one name when they are single, then when they get married they change their name; then they have an American name; so there wasn't anything unusual about Jimmie Wong having two or three names, was there?

A. Oh, that is the natural thing.

Q. Now, this opium that you found on Harry Lee, Harry Lee is supposed to have made the buy along about twelve o'clock on the morning of January 13th?

A. He specifically requested me to wait until twelve o'clock, because at that time——

Q. (Interrupting) No, no, I am not asking you that. Just [127] answer my question.

Mr. Hedlund: Now, let him answer the question.

Mr. Hannon: Yes, but I am not getting an answer to the question, if your Honor please. Mr. Reporter, will you read my question, please?

(The question referred to was thereupon read.)

Mr. Hannon: You can answer that "Yes" or "No", if that is the time that he is supposed to have made the buy?

A. Well, of course, I wasn't present. I was downstairs. That is what the other officers told me.

Q. And then Harry Lee wasn't searched until eight o'clock next morning for the opium?

A. Well, there was a reason for that.

(Testimony of Anker M. Bangs.)

Q. I am not asking for the reason. I am asking you if that is a fact. You can answer that "Yes" or "No".

A. No, it wouldn't be a fair question, it wouldn't be a fair answer.

Mr. Hannon: I am submitting to your Honor, not to the witness, that the question is a fair question.

Mr. Hedlund: Your Honor, I see no reason why the witness should not be instructed that he can answer "Yes" or "No" and explain, or he can refuse to answer "Yes" or "No" on the basis that the question assumes something that is erroneous.

Mr. Hannon: He has testified already to that effect, your Honor. I want to just verify that I correctly understood him. [128]

The Court: Well, you did. You correctly understood him.

Mr. Hannon: Very well, your Honor. I am satisfied with that. That is all.

Mr. Collier: Q. Were you present, Mr. Bangs, when a statement was taken from Nee Toy?

A. No, I was not.

Q. Did you talk to Nee Toy at all?

A. I did.

Q. Where? A. In the premises.

Q. Did you have any trouble understanding him?

A. No.

Q. And what conversation did you have with him?

A. A general conversation about his name, what



(Testimony of Anker M. Bangs.)

he was doing, what he was up there for. He told me his name was Nee Toy, and after a while he finally admitted that he had been up there and smoking, and that he was a cook.

Q. But not that night? He didn't state to you that he had smoked that night?

A. He did.

Q. Pardon? A. He did.

Q. Didn't he tell you, as a matter of fact, Bangs, that he had just gotten into the room, that he had been up there just a few minutes? [129]

A. He didn't tell me that.

Q. Did he tell that in your presence?

A. No.

Q. Did he not tell you at that time that he had smoked once in that place several months prior to this time? Now, isn't that the truth about it?

A. That was not the conversation between him and I. You are talking about what is in that statement.

Q. No, I am not talking about what is in the statement. I am talking about the conversation that was had with you. A. No.

Q. Didn't he tell you at that time that he had smoked in that place once in his life and that that was some months prior to the date upon which this arrest was made? A. No.

Q. Well, did he tell you when he had smoked?

A. That evening.

Q. And was there any other officer present when he told you that?

(Testimony of Anker M. Bangs.)

A. Burke was in the room.

Q. Was there any other officer in your presence or hearing of that statement?

A. I don't know whether he heard that statement or not, because I questioned him individually; that is, I would get them off to one side.

Q. Well, did you question them while they were all standing up [130] there in a line in the room?

A. No, they were not lined up.

Q. Well, the testimony is, here, that they were lined up alongside—along in the room.

A. Not continuously for the two hours or more that I was up there.

Q. Well, where were they when you went in?

A. Well, I would have difficulty in describing just who was where.

Q. Well, I don't care for that. Were they standing, were they all standing, when you went in?

A. No; one or two were sitting on the platforms.

Q. How long had the other officers been in when you came in?      A. A very few minutes.

Q. Well, what do you mean "a very few minutes"? I am not asking you, of course, to measure minutes, but giving us your best recollection of the length of time.

A. I would say seven or eight minutes.

Q. Seven or eight minutes; the other officers had been in seven or eight minutes before you went in?

A. That is right.

Q. And when you went in was Giordano already in there?      A. He was.

(Testimony of Anker M. Bangs.)

Q. And had been in there for some seven or eight minutes and had had the Chinamen all lined up and standing up, as I understand it from his testimony.

A. Well, what do you mean by "lined up"? [131]

Q. Well, what would you mean by "lined up"?

A. I would say side by side in a line.

Q. That is what I would understand, and that is what he said. Now, I don't know; I wasn't there.

A. Well, they were not in a line.

Q. Well, they were standing up, he says, to keep them from getting to the stove, as I understand it.

A. That is right.

Q. He says that there was a red hot stove in the room and that he was afraid that they would get away with some evidence.

A. That is right.

Q. And that he had them lined up in the room.

A. Uh-huh.

Q. Now, that is his testimony. Now, were they in that position when you went into the room?

A. When I first entered, yes.

Q. And this was some seven or eight minutes after he had been in there?

A. That is right.

Q. After he went in. You are not contending that there had been any smoking between the time that Giordano went in and the time that you went in, are you?      A. No.

Q. Did you see Giordano examine those pipes?

A. No. [132]

(Testimony of Anker M. Bangs.)

Q. You don't know whether it was before or after you came in?

A. Well, it would be his duty to examine them——

Q. (Interrupting) Well, now, do you know whether it was before or after you came in?

A. I assume it was before I came in.

Q. Do you know? I am not asking you assumptions; I am asking you if you know. If you know, why, say so.

A. I didn't see him.

Mr. Collier: That is all.

Mr. Hedlund: That is all.

(Witness excused.)

Mr. Collier: Before the Government rests their case, I would like permission, if your Honor please, before the Government rests their case, at a suitable time, to recall Mr. Giordano for a few questions.

The Court: Come back now, Mr. Giordano. [133]

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### HENRY L. GIORDANO

was thereupon recalled as a witness in behalf of the United States of America and, having previously been duly sworn, was examined and testified further as follows:

#### Recross-Examination

By Mr. Collier:

Q. You testified about a statement from Nee Toy.

A. Yes, sir.

Q. Is this your handwriting?

(Testimony of Henry L. Giordano.)

A. No, sir.

Q. Whose handwriting is it?

A. It is Agent Doolittle's.

Q. He can't write any better than I can. Who asked the questions?      A. I believe——

Q. (Interrupting) In other words, did you ask the questions?

A. No, Agent Doolittle, I believe, asked the questions. I may have put one or two questions in there, but he asked most of the questions and took the answers.

Q. Who wrote down the questions? Doolittle?

A. Yes.

Q. And the answers were written by him, also?

A. Yes, sir.

Q. Were you present during the entire examination?      A. I was.

Q. And you heard the—Did you have an interpreter there?      A. No, sir. [134]

Q. You heard all the questions asked and the answers given?      A. I did.

Q. Now, did you hear Nee Toy make any statement that he had smoked in that place that night? By "that night" I mean the 12th of January or the early morning of the 13th.

A. I don't recall him saying that he had smoked that night and named that particular night.

Q. If he had said he had smoked that night you would probably have had it in this statement, wouldn't you?

(Testimony of Henry L. Giordano.)

A. If he had said, "I smoked on January 12th or 13th" it would have been in that statement, yes, sir.

Q. And if he had said or used language from which you could infer that he had smoked on that particular night you would probably have been certain to have it in that statement, wouldn't you?

A. If he had made the statement.

Q. Yes. Now, when he said—when the question was put to him as follows: "Here is a picture of Louis Jung, alias Gar Foo. Is he who you bought opium from?"—Now, what did you have in your mind? You had in mind the smoking at that time, didn't you?

A. We had in mind the purchase of opium at that time.

Q. Well, you were questioning him, were you not, about him smoking?

A. We were questioning him on just what the question was, the [135] purchase of opium.

Q. Now, the next question is: "How much did you pay him for the smoke?" Now, it would indicate, would it not, that you had smoking in your mind when you had asked him the question about his buying? A. No, it wouldn't.

Q. Well, why, then, did you ask him, "How much did you pay to smoke?"

A. Because that was a separate question.

Q. And then you repeated in substance the same question about smoking. In other words, your ex-

(Testimony of Henry L. Giordano.)

amination, outside of that one answer, was all confined——

A. (Interrupting) Now, just a moment. I testified previous to this that I didn't compose all the questions.

Q. Well, I know, but you were present and heard all of them.

A. Well, I heard the questions; I can testify as to what I heard, but not to why they were asked.

Q. Was this statement read over to Nee Toy?

A. It was.

Q. By whom?

A. It was read by Agent Doolittle and it was read by myself.

Q. Why did you read it twice? Did you have some trouble understanding him?

A. No, just—that was, I figured in my own mind that for my own satisfaction, after Agent Doolittle read it to him, I [136] read it to him again.

Q. Uh-huh. Now, you are sure that he understood it in the first place, but you took the precaution to read it again?      A. That is correct.

Q. So if you had been certain that he understood it the first time you would not have read it the second time?

A. Well, he understood it when he answered the questions. He also understood it the second and the third time when it was read over.

Q. Now, as a matter of fact, your purpose in examining Nee Toy was in an effort to try to get

(Testimony of Henry L. Giordano.)

evidence on Gar Foo—that was your purpose, wasn't it?—in regard to the smoking?

A. Nee Toy wanted to make a statement.

Q. And he, I suppose, said that he wanted to go with you to the Custom House?

A. I think that is an entirely different phase—this was a couple of days later.

Q. When was this statement made?

A. About the 15th of January.

Q. And where was it—where did you get hold of Nee Toy at that time?

A. In the county jail.

Q. He asked you to go down to the Custom House, that he wanted to make a statement?

A. Pardon? [137]

Q. Pardon?

A. What was the question?

Mr. Collier: Read it.

(The question was thereupon read.)

A. He did not.

Q. You took him down to the Custom House, didn't you?      A. I did not.

Q. Who took him?

A. Nobody took him.

Q. Well, he was in jail, and he didn't break out, did he?

A. No, he didn't break out.

Q. Who took him down there?

A. Nobody took him.

Q. How did he go?      A. He didn't go.



(Testimony of Henry L. Giordano.)

Q. Where was the statement made?

A. At the county jail.

Q. I understood you to say—and if I misunderstood you I want to be corrected—I understood you to say that the statement was at the Custom House.

A. No, if I made that statement it was entirely wrong. I don't recall making that.

Q. I so understood you at that time. If I misunderstood you, I want to be corrected. Was there anyone else present when this statement was made, outside of yourself and Doolittle? [138]

A. That is all.

Mr. Collier: I think that is all.

Mr. Hedlund: You may step down, Mr. Giordano.

(Witness excused.)

The Court: This witness whom you held yesterday at your petition, is he going to appear here?

Mr. Hedlund: Yes, your Honor. I am going to put him on right now.

The Court: I am not asking you to put him on. I just asked you if he was included in the witnesses you expect to call.

Mr. Hedlund: I didn't get a chance to finish. I expect to call Agent Smith, Agent Baile of the Customs Office, Mr. Frank Sue, the witness in question, and Mrs. Mary Fung as an interpreter.

The Court: Is Sue the lessee of the property we have been speaking about?

Mr. Hedlund: Yes, your Honor.

The Court: Did he give bail?

Mr. Hedlund: Bail in the sum of one thousand dollars.

The Court: Was he in custody last night?

Mr. Hedlund: No, your Honor. He was released on bail within an hour after being taken into custody.

The Court: We will take a short recess.

(A short recess was thereupon had, after which proceedings were resumed as follows:)

[139]

The Court: Call a witness.

Mr. Hedlund: Call Mr. Baile.

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FRANK E. BAILE

was thereupon produced as a witness in behalf of the United States of America and was examined and testified as follows:

The Clerk: Will you state your full name, please?      A. Frank E. Baile.

(The witness was thereupon duly sworn.)

Direct Examination

By Mr. Hedlund:

Q. Mr. Baile, by whom are you employed?

A. U. S. Customs Department.

Q. And in what capacity?

A. As a Customs Patrol Inspector.

Q. And did you have occasion to be at 318 South-

(Testimony of Frank E. Baile.)

west Second, Portland, Oregon, on the early morning of January 13th, 1943?      A. I did, yes.

Q. Did you go into Room 10 there?

A. I did.

Q. And at that time did you take custody of certain prisoners and evidence?

A. I did.

Q. And for how long a period did you have that custody? [140]

A. I arrived in the room about 2:30 A.M.,—that was on the morning of the 13th of January—

Q. (Interrupting) Yes.

A. (Continuing) —and I was with them until they were taken to the Custom House about 9:30 in the morning.

Q. Was anything done to in any way change the condition of any of the evidence or contents of that room?

A. No, sir, not while I was there.

Q. And the persons were kept in your custody during that period of time?      A. Yes.

Q. And to whom did you turn over that custody after that?      A. To Mr. Bangs.

Mr. Hedlund: You may cross-examine.

#### Cross-Examination

By Mr. Collier:

Q. I understand you to say that the defendants were taken to the Custom House the next morning, or the evidence?

A. No, the defendants.

(Testimony of Frank E. Baile.)

Q. Were there any statements taken at the Custom House?      A. That I don't know.

Q. That was the following day, eh?

A. That was on the 13th, the following day.

Q. That is the hoodoo. How long were they at the Custom House on the 13th? [141]

A. Until approximately 5:30 in the evening.

Q. And from about what time?

A. I would say about 9:30.

Q. Nine-thirty in the morning?

A. Between nine and nine-thirty in the morning.

Q. Between nine and nine-thirty in the morning until five or five-thirty in the afternoon?

A. Yes.

Q. What were they doing down there, do you know?      A. That I don't know.

Q. Do you know whether any of the defendants were questioned or not?      A. No.

Q. And as to whether Nee Toy was questioned there or not you don't know, as I understand it?

A. No.

Mr. Collier: That is all.

Mr. Hannon: No questions.

Mr. Hedlund: That is all, Mr. Baile, thank you. Step down.

(Witness excused.)

Mr. Hedlund: I will call Mr. Smith. [142]

DONALD R. SMITH

was thereupon produced as a witness in behalf of the United States of America and was examined and testified as follows:

The Clerk: Give your full name.

A. Donald R. Smith.

(The witness was thereupon duly sworn.)

Direct Examination

By Mr. Hedlund:

Q. Mr. Smith, you are employed by the Narcotics Bureau? A. I am.

Q. As an Agent? A. Yes, sir.

Q. And you attended this raid on the early morning or the late night of January 12-13, 1943?

A. I did.

Q. Where were you during this period of time?

A. From the time we left the Customs House?

Q. No, from the time that you got into the premises there, 318.

A. I was on the second floor, at the head of the stairs.

Q. Did anybody come in? A. They did.

Q. Who was it?

A. Tang Wah Young and Hong Fong Woo.

Q. What did you do with them? [143]

A. I held them there at the head of the stairs.

Q. For what purpose?

A. To prevent their giving the alarm.

Mr. Hedlund: Now hand the witness, please, Exhibits 9, 10 and 11, the opium.

(Testimony of Donald R. Smith.)

Q. Examine those, please, and tell us if you have ever seen them before, if you have?      A. I have.

Q. Did you ever have them in your possession?

A. Yes, sir.

Q. When?

A. They were given to me by Agent Doolittle for transmission to the chemist in Seattle.

Q. Did you so transmit them?      A. I did.

Q. When was that?

A. They were given to me on the 16th. I delivered them into the custody of the chemist on the 18th of January, 1943.

Q. Are they in the same condition as they were at the time you received them?

A. Well, they were sealed when they were given to me, the envelopes were.

Q. Other than that, they are in the same condition?      A. I presume the insides are, yes.

Mr. Hedlund: I ask that the Exhibits 4, 5, 6 and 7 for [144] identification be handed to the witness.

Q. Please examine them, tell us, if you know, what they are, where they came from, and what the occasion was that you obtained them?

A. These exhibits were found in defendant Louis Jung or Gar Foo's room at 327 Southwest Second, across the street from 318 Southwest Second.

Q. You went over there——

A. (Interrupting) About nine or ten o'clock on the morning of the 13th Louis Jung took Agent

(Testimony of Donald R. Smith.)

Richmond and I to his room to search it. These were in his room.

Mr. Hedlund: We introduced all four or those exhibits in evidence.

The Court: What are they?

A. This is a roll of cellophane, a rather heavy roll of cellophane as cellophane goes, of the type used for making these papers which are then used to wrap opium in in bindles.

The Court: Do they have any other use that you know of?

A. I know of no legitimate use for cellophane of that size.

The Court: Opium is wrapped in other things than that, isn't it?

A. Nowadays it is invariably wrapped in cellophane.

The Court: What is the reason for that?

A. Well, for one thing, the paper doesn't absorb any of the opium and they are able to recover the entire amount of it [145] from the the cellophane.

The Court: Would you like to see them, Gentlemen?

Mr. Hannon: I don't. We have examined them already.

Mr. Hedlund: Q. And do you have an opium bowl there?

A. This is a pipe bowl which to all appearances is new and unused.

Q. Now, what are the other ones?

(Testimony of Donald R. Smith.)

A. These are yen gows and yen hocks used in smoking opium.

Q. Do they have anything on them?

A. Yes, one of them apparently has traces of opium upon it.

Mr. Hedlund: Those four we offer in evidence.

The Court: Admitted.

(The objects referred to, so offered and received, having previously been marked for identification, were thereupon marked received as Government's Exhibits 4, 5, 6 and 7.)

Mr. Hedlund: You may cross-examine.

#### Cross-Examination

By Mr. Collier:

Q. When did you make the examination of Louis Gar Foo's room?

A. I would say between nine and ten a.m. on the morning of January 13, 1943.

Q. And Gar Foo at that time was in the County Jail?

A. Gar Foo was in our presence. In fact, he conducted us to that room. [146]

Q. Well, where did you get them? Was he under arrest? A. He was under arrest.

Q. And had he been in jail prior to that time?

A. No, sir.

Q. He had been in your custody all night?

A. He had not been in my custody, no, sir.

Q. Well, had he been in the custody of any other narcotic agent?



(Testimony of Donald R. Smith.)

A. I understand he was.

Q. Who?           A. I couldn't say.

Q. Why?           A. Because I wasn't there.

Q. How did you know?       A. No, sir. (Sic)

Q. Then on the next morning it was at Louis Gar Foo's invitation that you went down there and searched the room?

A. I understood that he had taken District Supervisor Bangs to his room previously, and when I returned I was instructed——

Q. (Interrupting) I am asking you about the time that you have just testified. You didn't testify anything about Bangs being down there. Was Bangs there at the time you were there?

A. No, sir.

Q. And you went down there somewhere in the neighborhood of nine or ten o'clock on the morning of the 13th?       A. That is right. [147]

Q. Who went with you?

A. Agent Richmond and Defendant Louis Jung.

Q. Now, where did you go from? From what point did you leave?

A. From Room 10, 318 Southwest Second.

Q. Had he been in that room all night?

A. I couldn't testify to that.

Q. And you say it was at his invitation that you went over there and searched his room?

A. I didn't say that.

Q. Well, I understood you, on your direct examination, to say that he said something about searching his room.

(Testimony of Donald R. Smith.)

A. I said that District—I didn't say on direct examination. If you want me to explain how I happened to take him over there, I will do so.

Q. I wish you would.

A. District Supervisor Bangs told me that Louis Jung had asked him—or, excuse me, District Supervisor Bangs told me that Louis Jung had taken him voluntarily to his room to search, but that he had not made a complete search and he instructed Agent Richmond and I to take Louis Jung back to his room again on Jung's original invitation and to make a complete and entire search.

Q. But you want the Court to understand that whatever search was made there, whether it was the first, second or third, that the search was instigated at the invitation of Louis [148] Jung or Louis Gar Foo?

A. I am not saying it was made at his instigation. I said it was made with his permission.

Q. Well, didn't you say that he had said to Mr. Bangs he could go and search his room?

A. That was the impression Mr. Bangs conveyed to me.

Q. And, acting upon that, you went over with him the second time?

A. Acting upon Mr. Bangs' instructions.

Q. Yes; and Louis made no objections at that time, did he?      A. None whatsoever.

Q. To you searching his room. That is all.—That room is on the west side of Second Street, is it not?

(Testimony of Donald R. Smith.)

A. I am not familiar with my directions in Portland. The address was 327 Southwest Second, on the second floor.

The Court: He said it was across the street from the other place.

Mr. Collier: That is what I want,—across the street from the other place.

A. That is correct.

Q. And up on the—what floor?

A. The second floor.

Mr. Collier: The second floor. I think that is all.

Mr. Hannon: No questions.

Mr. Hedlund: That is all, Mr. Smith, thank you.

(Witness excused.) [149]

Mr. Hedlund: Call Frank Sue. Frank Sue. Now, if your Honor please, Mr. Sue advises me that he would like to have an interpreter present, and I ask at this time that Mrs. Mary Fung step forward as an interpreter.

Mr. Hannon: If your Honor please, may we have the advantage of an interpreter for our information here, Mr. Sun? May he be permitted to appear here at counsel's table?

The Court: Yes.

Mr. Hedlund: If your Honor please, in the meantime, while we are waiting for the Clerk, I think we can save a little time. I talked to defense counsel,—if we would recall Mr. Doolittle we would show that these three articles containing the opium, that is, Exhibits 8, 9 and 10, were in the custody

of Mr. Doolittle from the time of this raid, after it was taken to the U. S. Court House, and were kept in the vault and turned over to Agent Smith thereafter, and I understand that the defense counsel are both willing to stipulate to that.

Mr. Hannon: That is correct, your Honor, as far as I am concerned.

Mr. Collier: Yes, if you say they were.

Mr. Hedlund: That is true.

The Court: Swear the interpreter. [150]

(Mary H. Fung was thereupon sworn as an interpreter.)

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### FRANK SUE

was thereupon produced as a witness in behalf of the United States of America and, through the interpreter, was duly sworn, and was thereafter, through the interpreter, examined and testified as follows:

#### Direct Examination

By Mr. Hedlund:

Q. Will you please ask the witness where he resides?

The Court: No, do it—ask all your questions in the first person, or, rather, just as if you were asking the witness, “Where do you reside?”

Mr. Hedlund: Q. Where do you reside?

A. 1959 Southeast Larch.

Q. Larch?           A. Larch Avenue.

(Testimony of Frank Sue.)

Q. Portland, Oregon?

A. Portland, Oregon.

Q. Do you have any lease or other arrangement on the premises located at 318 Southwest Second Avenue?

The Interpreter: He answers, "Yes, a lease."

Q. Do you recall going with the Narcotic Agents to that address on an occasion since the 13th of January, 1943, and examining a room on the third floor at that time? A. Yes. [151]

Q. Now, that—Does he recall the—

The Court: (Interrupting) No.

Mr. Hedlund: Q. Do you recall what the number of the room was? A. No, I don't remember.

Q. Was it a room located at the head of the stairs on the third floor? A. Yes.

Q. Right to the left of the head of the stairs?

A. Yes.

Q. To whom was that room rented during the month of December, 1942 and the month of January, 1943?

The Interpreter: His answer is that that man died and Louis Gar Foo brought me some rent money.

Q. When did he bring you rent money?

A. The latter part of December, 1942.

Q. And did Gar Foo owe the money for the portion of the month of January that he used the room?

A. He didn't pay me anything for January.

Q. When was the rent due?

(Testimony of Frank Sue.)

A. He is supposed to pay me in advance every month for the month.

The Court: How much?

Mr. Hedlund: Q. And how much?

A. Five dollars.

Q. And Gar Foo was supposed to pay you in advance for that room [152] in January, 1943?

Mr. Collier: Just a moment; I didn't understand—I don't hear this interpreter very well—I didn't understand that Gar Foo had paid any rent money. She said that the other man died and that Gar Foo had brought him some money.

The Court: For the month of December.

Mr. Hedlund: That is right.

Mr. Collier: Yes, that is right.

The Court: And that Gar Foo hadn't paid him anything for the month of January.

Mr. Collier: Yes.

The Court: And the rent was five dollars a month. You can put your own construction on that. Everybody can put your own construction on that.

Mr. Collier: Yes.

The Court: Now ask him another question.

Mr. Hedlund: Your Honor, I am surprised at the answer that the witness gave originally.

The Court: That is all right, you are surprised, and I am not surprised that you have been surprised, am I? •

Mr. Hedlund: No, because I had a little trouble

(Testimony of Frank Sue.)

yesterday. Will you read my last question that was put to the witness, please.

(The last question was thereupon read.)

Mr. Collier: I object to that question because it is assuming [153] something not in evidence.

The Court: On counsel's statement that he has been surprised, he may lead the witness.

Mr. Hedlund: Go ahead and put the question to him.

A. The money he paid me for the latter part of December—in the latter part of December is supposed to be for the January rent.

Mr. Hedlund: That is all.

Mr. Collier: That is all.

Mr. Hannon: That is all.

The Clerk: That is all. Just step down.

(Witness excused.)

Mr. Hedlund: Now, Mrs. Fung, if she will remain, please. She will have to be sworn as a witness. I want to use her as an interpreter on this account book. [154]

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### MARY H. FUNG

was thereupon produced as a witness in behalf of the United States of America and, having first been duly sworn, was examined and testified as follows:

#### Direct Examination

Mr. Hedlund: I understand that defense counsel

(Testimony of Mary H. Fung.)

will stipulate as to her qualifications as an interpreter and as a translator.

Mr. Collier: I don't know.

Mr. Hedlund: As to her qualifications, I don't know them all without asking questions.

Mr. Collier: I don't know. Go ahead and ask questions.

Mr. Hedlund: Q. Where were you born, Mrs. Fung?

Mr. Collier: I am not caring about that.

Mr. Hedlund: Q. Mrs. Fung, where were you born? A. Pocatello, Idaho.

Q. And to Chinese parents? A. Yes.

Q. And was Chinese spoken in your home?

A. Yes.

Q. And you went to an American school, too, did you? A. Yes, sir.

Q. Where did you go to school?

A. I went to the Pocatello High School, graduated from there; then I went to the University of Washington and finished with my third year.

Q. And did you have any further training in Chinese? [155]

A. I was in China and I studied there for two years, and I had private tutors from time to time.

Q. And are you able to speak and read and write Chinese? A. Yes.

Q. Proficiently? A. Yes.

Q. Can you translate it into English?

A. Yes.



(Testimony of Mary H. Fung.)

Mr. Hedlund: Hand the witness, please, Exhibit 14.

Q. I will ask you if you have examined that previously? A. Yes, I have.

Q. Where? A. In the Custom House.

Q. And when?

A. February 13th—I mean April 13th.

Q. And have you had occasion to go through and translate all of the writings in and on that envelope? A. Yes, I have.

Q. Now, what does it say on the outside of the envelope?

Mr. Collier: Just a moment. We object to that, if the Court please. He has not sufficiently identified—

Mr. Hedlund: (Interrupting) It is in evidence.

Mr. Collier: Just a minute.

Mr. Hedlund: Excuse me.

Mr. Collier: There is no evidence as to whose writing that [156] was, nor connected up with any particular individual, so far, that I have heard, and before it could be binding on any one of these defendants there would have to be some connection shown that it was either written by them or under their direction. There is no evidence so far to that point, and for that reason I object to it.

Mr. Hannon: I am joining in that objection, your Honor, in behalf of my clients.

Mr. Hedlund: Now, if your Honor please, this was found in their possession, in possession, and very close to the approximate place where Louis

(Testimony of Mary H. Fung.)

Jung was standing when the room was entered, and it is in evidence; and, furthermore, it was right in the drawer, found along with the opium, and I see no reason why it is not perfectly competent. It is in evidence presently, and I see no reason, if it is now in evidence, why it should not be translated to the Court.

Mr. Collier: It certainly would not be binding upon these defendants until you can show some connection.

Mr. Hedlund: That is up to the Court, probably, as to what connection it has.

Mr. Collier: Well, there has got to be some foundation laid. The Court is sitting here as a jury as well as a judge, and there has to be some connection shown that would involve these defendants.

The Court: I imagine that there is a question or questions—— [157]

Mr. Collier: (Interrupting) In other words, it would be hearsay, what somebody else says would be purely hearsay, as far as these defendants are concerned.

Mr. Hedlund: Get in your objection.

The Court: Now, gentlemen,——

Mr. Hedlund: Pardon me, sir.

The Court: I imagine there is a question or questions about the final admissibility and, in general, about the place, in the case of the document or its contents. I will hear it now provisionally, and I will hear counsel fully on it before the case is closed. Is this the account book?

(Testimony of Mary H. Fung.)

Mr. Hedlund: This is the account book, your Honor.

The Court: Proceed. Ask the question, or read it again, Mr. Reporter.

Mr. Hedlund: What was on the outside of the envelope? I think I asked.

A. It says, "Enclosed are miscellaneous accounts".

Q. That is written in Chinese? A. Yes.

The Court: What did she say?

(The answer referred to was thereupon read, as follows:

"It says, 'Enclosed are miscellaneous accounts'".)

The Court: You be sure that everybody down there hears. A. Yes. [158]

The Court: In fairness to everybody down there. She said what, now, Mr. Reporter?

(The answer above referred to was again read.)

Mr. Hedlund: Q. Did you examine each of the sheets in that envelope? A. Yes.

Mr. Hedlund: Hand this to the witness, please.

Q. Did you make up that as a translation of what is contained on the sheets? A. Yes, I did.

Q. And they are true and correct? A. Yes.

Mr. Hedlund: Your Honor, I would like to have that marked as a sub-Exhibit of that exhibit and then offer that in evidence.

The Court: Are there several copies of that?

(Testimony of Mary H. Fung.)

Mr. Hedlund: Well, I had one in my office, but I have lost it. I don't know where it is.

The Court: (To the Bailiff) Mr. Cozad, take that second paper down to Mr. Collier and Mr. Hannon and let them look it over.

Mr. Hedlund: Here is one.

The Court: Well, give each one of them one, then, if you can, conveniently.

Mr. Hedlund: Possibly, your Honor, they would like to see the original, with this translation. [159]

Mr. Hannon: Yes, we would, if your Honor please.

The Court: I will tell you how we can shorten this a little bit, counsel for the Government and defense counsel. That is admitted now without any reservation as against the defendant Gar Foo. I reserve ruling as to its admissibility as against the other four defendants. I will rule before the case is closed. I assume that their names all, or some of them, are on the list. I think the question will have to be canvassed among us as to whether or not A's account book found in his possession naming B as one of his customers is evidence against B in a criminal prosecution. I admit it now against Louis Jung alias Gar Foo.

Mr. Collier: May we have an exception as to the admission against Gar Foo?

The Court: Certainly.

Mr. Collier: Has your Honor examined this sheet?

(Testimony of Mary H. Fung.)

The Court: Does it disclose the names and the amounts of them?

Mr. Collier: No, just the names.

The Court: Go get it for me (to the Bailiff).

Mr. Collier: Now, there's no dollars, or anything of the kind, or for whom or against whom; just set opposite it.

Mr. Hedlund: We haven't got any dollar signs on here.

Mr. Hannon: Got a decimal mark.

Mr. Collier: Got a decimal in front of it, but no dollars and cents. [160]

Mr. Hedlund: Let's bring the witness back on the stand.

The Court: Oh, we are going to bring the witness back. What other point do you wish to make about it?

Mr. Collier: There is nothing on the paper itself to show that it has any connection or is in any manner relevant to this case. They are just assuming that these figures are for narcotics. That is the purpose for which it is introduced. There is nothing in the document itself, at least as translated, that would in any way connect it with this case in any manner, shape or form.

The Court: Well, that is, of course, a question we will have to argue out later. Now, Mrs. Fung, will you come back, now, please. Now continue the questions, Mr. Hedlund.

Mr. Hedlund: Q. Well, I merely wanted to ask

(Testimony of Mary H. Fung.)

how you arrived at these figures in the right-hand column on the typewritten sheet? There are some decimal points on here that the defense counsel has questioned as possibly not making a true translation.

A. Oh, some of these we have the dollar, like on the first page here of bank credit it says Woo Yu \$8.50—that is the way they write Chinese figures—and then when they have 8 31 with the plus on it, I mean giving the 10 denomination, that signifies a dollar sign in Chinese. They do it in all commercial invoices.

Mr. Hedlund: All right, you may cross-examine.

[161]

### Cross-Examination

By Mr. Collier:

Q. On some of those items they have the dollar sign? A. That is true.

Q. Do they not? A. Yes.

Q. And if they were carrying the dollar sign through, why wouldn't they carry the sign through? They have used it in different places, I understand.

A. That depends on the individual that is writing it. When it runs for instance, from one dollar to ten dollars, they do carry the dollar sign, but when it is over ten dollars they don't carry the dollar sign because that is understood.

Q. You have no way of telling who wrote that have you? A. No.

Q. That is one thing you can't testify about the Chinese writing?

(Testimony of Mary H. Fung.)

A. A handwriting expert could, but I am not a handwriting expert.

Q. Are those names spelled out there?

A. It is phonetically spelled. You mean on my translation?

Q. No, no, on the original?

A. They are written out in Chinese, yes.

Q. The names?

A. The names of the individuals, yes. [162]

Q. Are the names spelled out on the individuals?

A. In Chinese, yes.

Q. Well, what do you mean?

A. Phonetically.

The Court: She said she has translated phonetically.

Mr. Collier: Oh, I see. All right.

The Court: Then we are to accept that typewritten list that you have made as meaning dollars and cents? You haven't used the dollar sign on the typewritten list. A. No, I haven't.

The Court: But you understood it to mean dollars and cents? A. Yes.

The Court: It didn't have the dollar sign in front of it in this case? A. Yes.

The Court: And that is what it meant in Chinese, the same as in those figures, if the dollar sign is before it? A. Yes.

The Court: Go ahead.

Mr. Hannon: That is all, your Honor.

Mr. Hedlund: That is all. Thank you very much.

(Witness excused.)

Mr. Hedlund: The Government rests.

The Court: Mark the typewritten document there.

(The typewritten translation referred to was there- [163] upon marked received as Government's Exhibit 14-A.)

(Government rests.) [164]

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#### IVAN HAMERLYNCK

was thereupon produced as a witness in behalf of the defendants herein and was examined and testified as follows:

The Clerk: What is your name?

A. Ivan Hamerlynck.

(The witness was thereupon duly sworn.)

#### Direct Examination

By Mr. Collier:

Q. Where do you live?

A. 8048 Southeast Main.

Q. How long have you lived in Portland?

A. I was born in Portland.

Q. What is your business?

A. The restaurant business.

Q. How long have you been in the restaurant business?      A. About twelve years.

Q. And your place of business is where?

A. 82nd and Division.

Q. Do you know the defendant Nee Toy?

A. Yes, I employ him.



(Testimony of Ivan Hamerlynck)

Q. How long have you known him?

A. Around about two and a half years.

Q. And during that two and a half years has he been employed by you? [165]

A. Yes, he has.

Q. In what capacity? A. As chef.

Q. Do you know his general reputation in the community as to being a law abiding citizen?

A. He is good. When he came to me as—

Q. (Interrupting) Just a minute. First you may answer that question "Yes" or "No": Do you know his reputation? A. Yes.

Q. And is his reputation as a law abiding citizen good or bad? A. Good.

Q. Do you know where he worked prior to the time he worked for you?

A. Good Samaritan Hospital, at Crater Lake Lodge, and I believe it was St. Martin's Springs. He was dietitian cook at the Good Samaritan Hospital. I have the recommendation from them.

Mr. Collier: You may cross-examine.

Cross-Examination

By Mr. Hedlund:

Q. Has the defendant ever told you anything about this case?

A. Not until after he was out of it, I asked him the question,—naturally I would question him. He said he was innocent. That is all I could do, because I employed him. It was none of my business.

Mr. Hedlund: That is all.

Mr. Collier: That is all.

(Witness excused.) [166]

The Court: Can't we go on another half hour, considering that tomorrow is Saturday.

Mr. Collier: Take the stand. [167]

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NEE TOY,

one of the defendants herein, was thereupon produced as a witness in behalf of the defendants and was examined and testified as follows:

The Clerk: Will you state your name.

A. Nee Toy.

Q. What is your name? A. Nee Toy.

Mr. Collier: Will you tell the reporter your name. A. Nee Toy.

Mr. Collier: Now, can you understand when he administers the oath to you? A. No.

Q. Can't you understand. You try talking with the Court, see if you can't make the Judge understand you. A. Uh-huh.

Mr. Collier: Well, all right, hold up your right hand.

The Clerk: Raise your right hand. You swear the testimony you shall give in this cause will be the truth, the whole truth, and nothing but the truth, so help you God? Do you swear that?

A. Uh-huh.

The Clerk: You do? A. Uh-huh.

Direct Examination

By Mr. Collier:

Q. How old are you, Nee? [168]

A. Forty-six.

Q. How much? A. Forty-six.

(Testimony of Nee Toy.)

Q. And what is your business?

A. Just cooking.

Q. Cook. How long have you been cooking?

A. Oh, mostly nineteen years.

Q. How much? A. Nineteen years.

Q. Nineteen years? A. Yes.

Mr. Hedlund: Would your Honor permit me to come up closer?

Mr. Collier: I, perhaps, should have asked the same.

Q. Did you ever cook at the Good Samaritan Hospital?

A. I been cook for Good Samaritan Hospital nine years.

Q. Cook for the Good Samaritan Hospital nine years. When did you quit the Good Samaritan Hospital, about how many years ago?

A. Oh, about—about eleven years ago.

Q. About eleven years ago; and since you left the Good Samaritan Hospital where have you worked?

A. Oh, been working St. Martin Hot Springs.

Q. St. Martin's Hot Springs? A. Yes.

Q. How long did you work at the—What were you doing at the St. Martin's Hot Springs? [169]

A. Oh, just cooking.

Q. Cooking; and for how long, how many seasons, did you work up there, do you know?

A. I work two seasons, two years.

Q. Two years? A. Yes.

Q. And had you ever cooked any place else?

(Testimony of Nee Toy.)

A. Oh, yes.

Q. Where?

A. Oh, been cook, when I came back, in Hood River.

Q. Talk just a little bit louder.

A. Hood River.

Q. How long did you cook in Hood River?

A. Seven months.

Q. Seven months?

The Court: Years.

Mr. Collier: Q. Did you say seven months or seven years? A. Seven months.

Q. Seven months. That is what I thought. Did you ever cook at Crater Lake?

A. Oh, yes, I been cooking two summers.

Q. You cooked at the Crater Lake National Park for two summers?

A. Two summers, yes.

Q. What is your special line? Are you just an ordinary cook, or what is the fact about that? [170]

A. Just a cook.

Q. After you left the Park up there did you go back to the Springs? A. Yes.

Q. Where are you working now?

A. I work in Canton Grille now.

Q. The Canton Grille? A. Yes.

Q. And who is that run by? Who runs that place? A. That is Ivan Hamerlynck.

Q. That gentleman that was just on the stand?

A. Uh-huh.

Q. How long have you been cooking for him?

(Testimony of Nee Toy.)

A. I been there about two years and a half.

Q. Two years and a half. Have you ever been in any trouble in your life?      A. Never.

Q. Have you ever been arrested or convicted of anything in your life?      A. No.

Q. Now, you know Gar Foo, don't you?

A. Yes, I have seen him. I know Gar Foo.

Q. And I believe you were in his place on the night the officers made their raid up there and arrested you, sometime in January?

A. Yes, I go there just once, something like that, but— [171]

Q. (Interrupting) Well, I know. Now, we will get to that later. You were there? You were arrested in that place, were you, that night? Officer arrest you?      A. No.

Q. In January?      A. No.

Q. You know the month of January you was in that place, wasn't you?      A. Yes, I been once.

Q. Now, were you ever in that place before that?

A. No.

Q. Well, you were arrested on the morning of the 13th of January? Do you understand me now? The 13th of January, that is when you were arrested, wasn't it?      A. Yes.

Q. What time did you go there that night?

A. Oh, about—I think about 11:45, something like that.

Q. Something like 11:45?      A. Yes.

(Testimony of Nee Toy.)

Q. What time did you get through your work? What time did you get through cooking and cleaning up?

A. Well, mostly every day, only on January 12th, a Tuesday, then we close and everybody take and left, a day off, see, and then I go to town. Just I come to town.

Q. But when you are working what time do you quit work? [172]

A. Oh, every day, I don't know,—about two o'clock at night, midnight, four o'clock.

The Court: The 12th was a Tuesday?

Mr. Collier: That is what he said.

The Court: I thought he started to say that was the day off, when they closed.

A. Yes, that is the day off.

Mr. Collier: Q. Was that the day off?

A. Yes, that is the day off.

Q. That was your day off?

A. We close every Tuesday.

Q. Every Tuesday you close. And then, except Tuesday, from two to four? A. Every night.

Q. Now, what time did you go to 318 Second that night?

The Court: He said 11:45.

A. I said 11:45.

Mr. Collier: Q. Oh, I see. Did anybody go with you? A. No, just me alone.

Q. Did you smoke any smoke pipe that night?

A. No, I just go in there and I try and look at a newspaper.

(Testimony of Nee Toy.)

Q. How long had you been there before the officers came in?

A. I think about fifteen minutes, something like that.

Q. About fifteen minutes. Where were you when the officers came in? [173]

A. I was just standing by the wall.

Q. Just standing by the wall? A. Yes.

Q. Mr. Bangs, that man over there with the loud tie on, told me that you told him that you smoked that night.

A. No, I did before, but not that day, not that night.

Q. How many times did you ever smoke up there?

A. Just once, about a month ago.

Q. How long ago? A. About a month ago.

Q. About a month ago; and that, you say, was just once? A. Yes.

Q. Did you ever tell Mr. Bangs that you smoked there on the night you were arrested? A. No.

The Court: He said, "No."

Mr. Collier: Q. Now, did they ask you to make a statement later at the County Jail? You were taken to the County Jail, weren't you?

A. Yes, he took me to the County Jail.

Q. When? That night?

A. No, after two nights.

A. Did you ever buy any opium or sell any opium in your life? A. No.

(Testimony of Nee Toy.)

Q. Did you ever have any connection with [174] the 318 Southwest Second Street?

A. No, never, no.

Q. Did you ever deal in opium or have anything to do with opium in your life? A. No.

Q. Now, tell the Judge about this statement. First, when was it taken, how long after you were arrested? A. Oh, about two days.

Q. About two days after you were arrested; and who was present at that time? Who was there?

A. Oh, I don't know who was there.

Q. Well, did they ask you some questions?

A. Yes.

Q. And did they write down the answers?

A. No, he just write down and told me to sign it.

Q. He just write down and told you to sign it. In his statements here you say—he said, “Here is a picture of Louis Jung alias Gar Foo. Is he who you bought opium from?” Did you ever buy any opium from——

A. (Interrupting) No, just smoke.

Q. Just one smoke?

A. Yes, just one smoke.

Q. Did you understand that he was trying to get you to say that you had bought opium?

A. No, I not understand it. [175]

Q. Well, let me put it this way: Other than taking this smoke that you testified to, do you use opium in any form? A. No.

Q. Had you ever bought any opium from Gar Foo, Louis Gar Foo? A. No.



(Testimony of Nee Toy.)

Q. Now, he asked you how much you paid for the smoke, and did you tell him?

A. Yes, I told him I give three dollars, put three dollars on the table.

Q. Told him you put three dollars on the table?

A. Uh-huh.

Q. Did you tell him at that time that you put three dollars on the table?

A. Yes, sir.

Q. How were you dressed that night?

A. Well, just something like that.

Q. Something like—

A. (Interrupting) I hung up my overcoat.

Q. Well, now, wait a minute. Did you have on your undercoat?

A. Yes.

Q. Did you have on this coat?

A. Uh-huh.

Q. Did you have on an overcoat when you went up there, top coat? Did you have on an overcoat when you went up there?

A. Oh, I forgot that. [176]

Q. Well, now, wait a minute. This was in January. Pretty cold, wasn't it? Didn't you wear an overcoat?

A. Yes. Uh-huh.

Q. Overcoat?

A. Yes.

Q. And did you have your overcoat on when the officers came in? Did you have it on, or had you hung your coat up?

A. On.

Q. Was your overcoat on or off?

A. It was on. Just I put it on, see.

Q. Well, you put it on when you went up there. When the officers came up there did you have your overcoat on or off?

A. No, just off.

(Testimony of Nee Toy.)

Q. And how about your coat that you have on now? Did you have a coat on like that?

A. Yes.

Q. One of the witnesses testified that you had on slacks. Did you have on slacks, or did you have on trousers just like you have got on now?

A. No, just like that.

Q. Like what? Trousers like you have got on now? A. Yes.

Mr. Collier: I think you may cross-examine.

#### Cross-Examination

Mr. Hedlund: May I have Exhibit 17, please.

[177]

Q. Did you change your clothes any time that night?

A. Just from—I think just something like that.

Q. I mean, you had the same clothes on all that night, while you were held there at that place, did you not, same clothes?

A. No, just the same as that one. Sometime I change that one and used the other one, I remember that.

Mr. Hedlund: Hand this to the witness, ask him if he sees his likeness in that picture.

The Court: You ask him, Mr. Hedlund. They can't ask him.

Mr. Hedlund: Q. Look at it please. I will ask you if you see your likeness in that picture?

The Court: Are you in that picture, he wants to know? Are you in that picture?

A. Yes, this is mine.

(Testimony of Nee Toy.)

Mr. Hedlund: Q. Are those the clothes you had on that night? A. Uh-huh.

Mr. Hedlund: All right.

Mr. Collier: Let's see that.

Mr. Hedlund: That is all.

Mr. Collier: When you get through with it.

Mr. Hedlund: Wait a minute. That isn't all. Now, what was your purpose in going up to this place that night. A. How?

Q. What did you go up there for?

A. Oh, I just go up and look for, you know, some people, some guy, and newspaper. I am going just going, you know, just [178] to look around for the boys, and look upon a newspaper. They get, you know, lots of Chinese newspaper, come from New York, and I look at that.

The Court: When he finishes, read it.

(The last answer was thereupon read.)

Mr. Hedlund: Q. Didn't you go up there to get some smoking opium?

A. No, not that night.

Q. And how many times have you been in that place before? A. Just once before.

Q. Just once before. Are you well acquainted with Gar Foo? A. No.

Q. Who invited you up there? A. How?

Q. How did you get in there?

A. Oh, I get an old man, an old man, I go there that time and I get an old man over there.

Mr. Hedlund: Would you read it.

(The last answer was thereupon read.)

(Testimony of Nee Toy.)

Q. Who was the old man?

A. Oh, I don't know that man's name.

Q. And had you ever seen Gar Foo before this night?

A. Yes, I seen him before.

Q. Where?

A. Oh, in the town, on the street. [179]

Q. Did he ever tell you that you could come up there any time you wanted to? A. No.

Q. And you say you put three dollars down on the table. When was that.

A. That is for a smoke.

Q. When you went up there to smoke?

A. Yes, just once, a long time ago, about a month ago.

Q. A month ago. You mean a month before you were arrested, or do you mean just a month ago here, in along about March?

A. Yes, before now, a month ago.

Q. Before you were arrested,—that is what you mean, isn't it? Isn't that right? A. Yes.

Q. In other words, it was about a month before you were arrested that you went into this place and smoked. A. Yes.

Q. And that was the time that you say that you put the three dollars down on the table?

A. Uh-huh.

Q. And did anybody give you any opium then?

A. Me got it on the tray, see.

Q. How? Q. Me got it on the tray.

Q. Well, who put it there? [180]

(Testimony of Nee Toy.)

A. Oh, I don't know.

Q. No, you didn't see him. Well, who was there at the table when you put the three dollars down?

A. Oh, I never paid attention to that. I just put it. He got the sign three dollars and I put the three dollars down and I seen the pipe bowl on the table.

Q. And you turned your back away so you wouldn't see who took the money or put out the opium, is that right?      A. Yes.

Mr. Hannon: I don't understand that question.

Mr. Hedlund: Now, wait a minute; I don't want him to misunderstand any question, so I am going to see if he knows.

Q. What did you do to avoid seeing who put that opium on the tray and who took the three dollars?

A. I don't know who took the money, see, I no saw who take the money.

Q. How about who put the opium on the tray, then, if you remember that?

A. No, I don't remember who is——

Q. (Interrupting) Well, who was there? Was Gar Foo there?

A. Yes, he is there, but I not see him put it.

Q. Wong Suey was there, too, wasn't he?

A. No.

Q. Oh, he wasn't there?

A. He wasn't there. [181]

Q. Was Wong Pun there?      A. No.

Q. He wasn't there. Was anybody else there besides Gar Foo?

(Testimony of Nee Toy.)

A. No, I not remember. It is a long time. I not remember.

Q. You don't remember that. How much did you get that night?

A. Just one. I take one smoke and then I go out.

Q. One bindle? One of these little packages, one bindle? A. Yes.

Q. You know what they look like, don't you? Huh? Now, Nee Toy, isn't it a fact that on that night you owed \$70.50 to the hop joint there——

Mr. Collier: (Interrupting) What was that amount?

Mr. Hedlund: Seventy dollars and fifty cents—and a new amount of \$18? In other words, you owed him about \$88.50 for opium about that night, didn't you?

A. No, no, I never owe that.

Q. You had an account there and you owed him about \$88.50? A. No.

Q. Just how much was it, then?

A. I never owed him that money.

Q. Well, who did?

A. No, I don't owe that.

Q. Now, St. Martin's Hot Springs, where you cooked, that place is used very frequently for addicts to take the cure, isn't it?

Mr. Collier: I don't think that is proper cross-examination. [182]

Mr. Hedlund: Well, he testified about being there. I think it is proper.

(Testimony of Nee Toy.)

Mr. Collier: I don't think it is.

The Court: I will rule whether it is proper or not. Objection sustained.

Mr. Hedlund: Thank you. That is all.

Redirect Examination

By Mr. Collier:

Q. Nee Toy, how much do you earn a month? How much money you make?

A. Now? Oh, about one hundred and twenty-five a month.

Q. Do you owe anybody any money?

A. No.

Q. At the time you smoked there did you pay for it? A. Yes. Just I smoke once.

Q. Yes. Now, do you owe Gar Foo any money at all for any reason? A. No.

Q. Do you owe any of these defendants, either one of the four of them? Do you owe them any money for any account whatever? Do you owe any of them any money? A. No.

Q. Now, this picture here that they have shown to you, which one is you? Is that your picture (indicating)? A. This is some man.

Q. Well, I know, but is that you lying there?

[183]

A. Yes, that is me. He tell me, "Just lie down", see. He told me to lie down and not get up.

Q. Who told you to lie down like that?

A. One of the officers. He told me a long time, it was going to be three or four hour, and he told me to lie down there, going to take a picture.

(Testimony of Nee Toy.)

The Court: Read the answer.

(The answer was thereupon read.)

Mr. Collier: Q. That is, he told you to lay down on this——

The Court: (Interrupting) Lie down.

Mr. Collier: Thank you—told you to lie down on this bunk so that he could take a picture of you, huh? A. Uh-huh.

Q. Who is this other fellow lying on that bunk? Do you know him?

A. Oh, that is Jimmie Wong.

Q. Who told him to lie down on that table?

A. It was this one of the officers, one of the officer men.

Mr. Collier: I think that is all.

#### Recross-Examination

By Mr. Hedlund:

Q. Just one question: Was anybody else smoking around there that night just before you were arrested? A. No, I never seen them.

Q. You never saw anybody else smoking? [184]

A. No.

Mr. Hedlund: That is all.

Mr. Collier: I think the witness covered this——

The Court: (Interrupting) Oh, yes, he has covered it well.

Mr. Collier: Thank you.

The Court: I think a re-reading of Bret Harte would save us all time tomorrow, if we expect to get any information about it. I think that I ex-



(Testimony of Nee Toy.)

tended examination or cross-examination of Chinese who are interested one way or the other at 328 Southwest Second, if there is anything brought out in examination, cross-examination anyhow, that is helpful in the case, I haven't got it. Maybe it is in the record.

Mr. Collier: Well, I think it is understood that he testified that he had only been there about fifteen minutes before the officers came in. Is that your nearest recollection?

The Court: Yes, and he smoked there once before, and he paid three dollars, but who he paid it to or who gave him the opium he hasn't the slightest idea.

Mr. Collier: That is all.

(Witness excused.)

The Court: Now, tomorrow is Saturday. Do you want to make an effort to get through tomorrow?

Mr. Collier: Much as I hate to work on Saturday, I would like to get through, because I have got a case in the Circuit Court Monday morning.

[185]

The Court: Better start at least at nine o'clock, hadn't we?

Mr. Collier: I wouldn't say "at least". Just make it plain nine.

The Court: All right, nine o'clock.

Mr. Collier: Nine o'clock.

The Court: Yes.

(Whereupon, at 4:52 o'clock P. M., April 16, 1943, the trial of the above entitled cause was suspended, the Court taking an adjournment until 9:00 o'clock A. M., April 17, 1943.)

[186]

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Saturday, April 17, 1943, the trial of the above entitled cause was resumed as follows:

The Court: Proceed, Mr. Collier.

Mr. Collier: This defendant will have to have an interpreter, your Honor. I have had to have an interpreter all the time to talk to him myself, so I am quite sure we will have to have one.

The Court: Do you want one——

Mr. Hedlund: (Interrupting) May we have her, your Honor, sit right up here, so if there is any correction.

(W. L. Sun was thereupon duly sworn as an interpreter.)

LOUIS JUNG alias GAR FOO,

one of the defendants herein, produced as a witness on behalf of the defendants, and having first through the interpreter been duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Collier:

Q. Will you state your name, please?

A. Louis Gar Foo.

(Testimony of Louis Jung alias Gar Foo.)

Q. Have you any other name?

A. Louis Jung.

Q. Where do you live?

A. I live at 329. [187]

Q. How old are you?           A. Forty-one years.

Q. Now, how long have you been in the premises known as 318 Southwest Second?

A. Oh, about over six years.

Q. For whom were you working, if anybody?

A. You mean who hired me?

Q. Yes.

A. The person who hired me, I worked in the gambling joint.

Q. What was the person's name who hired you when you were in 318 Southwest Second?

A. You mean where I worked up in the room there?

Q. Yes.           A. Louis Jung Fook.

Q. Is he living at this time?

A. He is dead.

Q. When did he die?

A. He died on the 23rd of—No, February 23rd.

Q. Of what year?           A. Last year.

Q. After he died who paid the rent on Room 10 at 318 Southwest Second?           A. Wong Yee.

Q. Well, did you ever pay any rent on that Room 10?

A. After the death of the old man, Wong Yee told me to pay one [188] month's rent towards the last of December.

Q. And by last December he means December, 1942?

(Testimony of Louis Jung alias Gar Foo.)

A. Yes, towards the last, yes, towards the last of the month.

Q. Now, do you remember the night that you were arrested by the narcotic officers?

A. Yes.

Q. And Nee Toy was in your place that night, wasn't he?      A. You ask about Nee?

Q. Yes, Nee Toy.

A. What did you ask me?

The Court: Point him out. Point to him. Point out the man you are asking about.

Mr. Collier: Q. I asked you if Nee Toy, this man here, was he in your place on the night of the arrest?      A. Yes, he was there.

Q. Had he made any purchases of any kind from you that night, or from anyone else?

A. Didn't do any buying.

Q. Was Jimmie Wong in your place that night?

A. Who are you asking about?

The Court: You had better point to him. He apparently doesn't know these gentlemen very well.

Mr. Collier: Tell him to look this way, at the man there.      A. He was in there.

Q. Did he buy anything from you that night?

[189]

A. No.

Q. These other two men—Was Wong Suey in your place that night?

A. No, he wasn't there.

The Court: Ask him that again. Maybe he

(Testimony of Louis Jung alias Gar Foo.)

thought you were asking him if he bought anything from him.

Mr. Collier: Wong Suey, stand up. Was Wong Suey in Room 10 at 318 Southwest Second on the night of the arrest?

A. At the time of the arrest he was arrested outside, and when he was arrested they brought him inside and I saw him there.

Q. Did he, this fellow, buy anything from you that night?           A. No.

The Court: (To defendant Wong Suey) Sit down.

Mr. Hannon: (To defendant Wong Suey) Sit down.

Mr. Collier: Wong Chin Pung, stand. Do you know this man here?           A. I know him.

Q. Did you see him on the night, the morning of the arrest, January 13th last?

A. At the time he was arrested he was talking about some news concerning the Japanese war.

Q. And where was he when he was talking?

A. He was inside, sitting on a bed, talking.

Mr. Collier: You may inquire.

The Court: Do you have some direct, Mr. Hannon?

Mr. Hannon: No, your Honor. [190]

### Cross-Examination

By Mr. Hedlund:

Q. What time did you go to work that night?

The Court: Tell him to talk slow. I guess you

(Testimony of Louis Jung alias Gar Foo.)  
can't stop them when they get started. Mrs. Fung couldn't have heard that. They were both talking low.

Mr. Collier: Tell the witness to speak loud, so that this good brother over here at the table can hear him.

The Court: Read the question.

(The last question was then read.)

A. Shortly after ten o'clock.

Mr. Hedlund: Q. Who was on duty before that? A. What did you say?

Q. Wasn't Wong Suey on duty prior to the time that he came to work?

A. When I went on duty it was Wong Yee that was inside.

Q. Do you mean Jimmie Wong, who was sometimes known as Wong Yee?

A. No, Jimmie Wong is Jimmie Wong and not Wong Yee.

Q. Was Wong Suey there when you came to work?

A. No, he wasn't there. Wong Yee opened up for me to go in and I opened up the door for him to go out.

Q. What time did Wong Suey come up there?

A. I don't know at what time Wong Suey came there. He was arrested outside and brought in.

Q. You mean that Wong Suey was not in there at any time? [191] A. No.

Mr. Hedlund: That is all.

(Testimony of Louis Jung alias Gar Foo.)

Mr. Collier: That is all.

The Court: That is all.

(Witness excused.)

Mr. Hannon: May I have just one second, if your Honor please? We have nothing to offer, your Honor.

The Court: Rebuttal?

Mr. Hedlund: No rebuttal, your Honor.

The Court: Argument?

Mr. Hedlund: I will waive opening argument.

(Argument was then presented to the Court by the respective counsel.)

The Court: I reserve decision as to Nee Toy, James Wong, Wong Suey and Wong Chin Pung. They may remain at liberty on their present bonds, which will be continued. You may think it is odd to reserve decision as to James Wong in view of the Government's counsel's statements as to that, but I prefer to do that until I read Giordano's testimony.

I find Louis Jung alias Gar Foo guilty on both counts of the indictment, and pre-sentence investigation is directed, and pending the making of the investigation and final disposition of the case the defendant will be remanded to the custody of the Marshal.

(Whereupon proceedings in the trial of the above entitled cause were concluded.) [192]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

I, Cloyd D. Rauch, hereby certify that I reported the oral proceedings had at the trial of the above entitled cause, that I subsequently caused my said shorthand notes to be reduced to typewriting, and that the foregoing transcript, pages numbered 1 to 192, both inclusive, constitutes a full, true and accurate transcript of said proceedings, so taken by me in shorthand as aforesaid, and of the whole thereof.

Dated this 24th day of May, 1943.

CLOYD D. RAUCH

Reporter.

[Endorsed]: Filed June 11, 1943. [193]

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[Endorsed]: No. 10430. United States Circuit Court of Appeals for the Ninth Circuit. Wong Chin Pung, Appellant vs. United States of America, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the District of Oregon.

Filed June 16, 1943.

PAUL P. O'BRIEN

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.



In the United States Circuit Court of Appeals  
For the Ninth Circuit

No. 10430

UNITED STATES OF AMERICA

vs.

WONG SUEY, NEE TOY, WONG CHIN PUNG,  
JAMES WONG AND LOUIS JUNG, alias  
GAR FOO,

Defendants,

WONG CHIN PUNG,

Appellant.

STATEMENT OF POINTS ON WHICH APPELLANT INTENDS TO RELY ON THE APPEAL

The points on which the Appellant herein intends to rely are the same as those set forth in the Assignment of Errors heretofore filed in this cause, to-wit:

I.

That the Court erred in finding and holding that the defendant, Wong Chin Pung, was guilty under count two of the indictment, for the reason that there were no facts or evidence to support or justify the judgment.

II.

That the Court erred in imposing against the defendant, Wong Chin Pung, any sentence.

## III.

That the Court erred in not returning a judgment of acquittal in favor of the defendant, Wong Chin Pung.

Dated this 15th day of July, 1943.

JOHN P. HANNON

LEON W. BEHRMAN

Attorneys for Appellant,  
Wong Chin Pung.

State of Oregon

County of Multnomah—ss.

Due service of the within Statement of Points is hereby accepted in Multnomah County, Oregon, this 15th day of July, 1943, by receiving a copy thereof, duly certified to as such by Leon W. Behrman, one of attorneys for defendant and appellant, Wong Chin Pung.

CARL C. DONAUGH

WILLIAM H. HEDLUND

Attorneys for United States  
of America.

[Endorsed]: Filed July 17, 1943. Paul P. O'Brien, Clerk.

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[Title of Circuit Court of Appeals and Cause.]

STIPULATION AS TO RECORD ON APPEAL

Reference is made to the Stipulation heretofore entered in this cause on June 11, 1943. This Stipu-

lation heretofore made and entered in this cause is adopted and approved, and

It Is Hereby Stipulated between the United States of America by the United States District Attorney for the District of Oregon and John P. Hannon and Leon W. Behrman, Attorneys for Appellant herein, that the record on appeal to the United States Circuit Court of Appeals, Ninth Circuit, shall contain the following from the record in this cause:

1. Indictment.
2. Plea of Not Guilty.
3. Stipulation for trial by Court without Jury.
4. Finding of the Court and Sentence.
5. Notice of Appeal.
6. All orders extending time for filing Bill of Exceptions.
7. Bill of Exceptions which contains entire transcript of testimony.

CARL C. DONAUGH

United States Attorney for  
the District of Oregon.

WILLIAM H. HEDLUND

Assistant U. S. Attorney

JOHN P. HANNON

LEON W. BEHRMAN

Portland, Oregon, July 15th, 1943.

[Endorsed]: Filed July 17, 1943. Paul P. O'Brien, Clerk.

